Prior to making a public comment, please fill out the form available on the table in the hallway to help ensure that your information is correctly entered into the minutes. Once you have spoken, please hand your form to the staff in front of the podium for the Clerk.

TENTATIVE AGENDA

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

TUESDAY, SEPTEMBER 6, 2022, **6:00 P.M.**

CITY HALL

If business has not concluded by 8:15 p.m., there will be a 15-minute break.

A. Roll call

B. Approve Minutes of meetings of Tuesday, August 2; Tuesday, August 16; 2022; and August non-voting meetings

C. Written communications

D. Citizen input. If you wish to address the Mayor and Commission on any item listed below on the consent agenda, please go to the podium and state your name and address. RULES OF THE COMMISSION STATE THAT A CITIZEN MAY SPEAK ONCE DURING THE FOLLOWING PORTION OF THE AGENDA FOR UP TO THREE MINUTES WITH A 30 SECOND REMINDER AT TWO AND A HALF MINUTES.

E. Consent agenda. Items under this section have been discussed at prior public meetings and will be presented for consideration as a single item. Only one vote will be taken.

1. ADOPT: Ordinance creating the Tax Allocation District (TAD) Advisory Committees

2. ADOPT: Ordinance revisions to flood protection

3. ADOPT: Ordinance for compliance engine for fire and life safety system

4. ADOPT: Ordinance for 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) application

5. APPROVE: Reductions in cash match requirements of the CDBG Challenge Grant Program

6. APPROVE: Renegotiation of the Local Option Sales Tax (LOST) - Approval of distribution with Winterville and Bogart

7. APPROVE: Legislative Review Committee Report: Public Utilities' "One Lot Removed" Water Access Policy (revision to Policy/Procedure Statement WS-011)

8. APPROVE: Adoption of the ACCGov Title VI Program Plan in accordance with Civil Rights Act of 1964 and in compliance with local administered project certificate application to GDOT

9. APPROVE: Facilities Management Life-Cycle Capital Project - Multiple Roofs (Fleet Management building roof replacement; Jail roof replacement; Clarke County Health Department roof replacement) contract award

10. APPROVE: Appointments to Athens Cultural Affairs Commission

11. APPROVE: Appointment to Athens in Motion Commission

F. Citizen input. If you wish to address the Mayor and Commission on any other item (#12-25) listed below on this agenda, please go to the podium and state your name and address. Comments on items not listed on this agenda will be received upon the completion of all other business. RULES OF THE COMMISSION STATE THAT A CITIZEN MAY SPEAK ONCE DURING THE FOLLOWING PORTION OF THE AGENDA FOR UP TO THREE MINUTES WITH A 30 SECOND REMINDER AT TWO AND A HALF MINUTES.

G. Old business

12. Request of Michael Canady/Mill Creek Residential Owners: SFI Land, LLC & Wollmoor Properties, LLC for Rezoning from Employment Center to Mixed Density Residential; From E-I(Employment-Industrial) & I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development on 65.89 acres known as 505 and 515 Olympic Drive. Proposed use is multifamily residential. This will require an amendment to the Future Land Use map from Employment Center to Mixed Density Residential. Type 1 District 2 (Tuesday, July 19, 2022)

13. Request of David W. Matheny/AMT, PC; owner 347 Downtowner, LLC and The Hancock House LLC for special use permit in C-D (WE) (Commercial-Downtown, West End Design Area) on 0.32 acres known a 347 West Hancock Avenue. Proposed use is a fraternity. Type II District 3 (Tuesday, July 19, 2022)]

14. CDBG-CV Allocation II finding recommendations

15. Authorization of the Strategic Plan to Address Homelessness

16. ACCGov Transit request for FY22 funding

17. Award of contract for dental insurance

18. Environmental Protection Division Recycling, Waste Reduction and Diversion Grant

19. Safe Streets and Roads for All Action Plan grant application

20. SPLOST 2020 Project #02 Affordable Housing: Added financial commitment for North Downtown Athens Redevelopment Project

21. An ordinance under home rule with respect to reducing the quorum requirement for the commission of Athens-Clarke County. First reading.

H. New business – Consider under suspension of Rules

22. Resolution to designate the Athens Classic Center as a facility for court business

23. Low income household water assistance program

24. Project schematics and lease agreement for the expansion of the Athens Neighborhood Health Center

25. Thirty-fourth declaration of a local state of emergency related to COVID-19

I. Public hearing and deliberation on recommendations from the Athens-Clarke County Planning Commission. The proposed recommendations will be disposed of by the receipt of public input, the close of public input, and the consideration by the Commission. PLEASE REFER TO ATTACHMENT A FOR TIME LIMITS FOR PRESENTATIONS.

26. Request of Chris Church, Freedom from Bondage, Inc., for special use in RM-1* (Mixed Density Residential with conditions) on .77 acres known as 189, 191, and 193 Highland Park Drive. Proposed use is halfway houses. Type I District 8

Planning Commission recommendation: Approval (6-1)

Note: An application for a zoning decision for a halfway house shall follow the Type I procedure in chapter 9-4 and the hearing provisions set forth in O.C.G.A. §36-66-4, which require that the public hearing be held at least six months and not more than nine months prior to the date of final action on the zoning decision. Therefore, the Mayor and Commission vote on the proposed halfway houses would be scheduled no sooner than March 2023.

27. Request of Kayla Bare / Koons Environmental Design Owners: 100 Prince Avenue, LLC, for amendment to C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development) on 3.69 acres known as 100 Prince Avenue. Proposed use is commercial event space. Type II District 9

Planning Commission recommendation: Approval (unanimous)

28. Request of Jeff Carter/Carter Engineering Owner: Marguerite Newton Estate; for rezoning from RS-15 (Single-Family Residential) to RS-8 on 26.72 acres known as 4555 Lexington Road. Proposed use is single-family residential. Type II District 1

Planning Commission recommendation: Approval w/conditions (5-1)

29. Request of Athens-Clarke County Unified Government Owner: Athens-Clarke County Unified Government, for rezoning from G (Government) to C-G (Commercial-General) on 0.48 acres known as 2152 West Broad Street. Proposed use is commercial-general. This will require an amendment to the Future Land Use map from Government to General Business. Type 1 District 3

Planning Commission recommendation: Approval (unanimous)

J. Public input. If you wish to address the Mayor and Commission on any item listed below under old and new business please go to the podium and state your name and address. RULES OF THE COMMISSION STATE THAT A CITIZEN MAY SPEAK ONCE DURING THE FOLLOWING PORTION OF THE AGENDA FOR UP TO THREE MINUTES WITH A 30 SECOND REMINDER AT TWO AND A HALF MINUTES.

K. Receive report from Mayor

30. Adopt Athens proclamation

L. Receive report from Manager

31. Acceptance of grant funding and budget amendment

M. Receive report from Attorney

N. Receive input from Commissioners

O. Adjourn

A qualified interpreter for the hearing impaired is available upon request at least 10 days in advance of this meeting. Please call (706) 613-3031 (TDD {706} 613-3115) to request an interpreter or for more information.

Wireless access will be available for general use shortly before, during, and shortly after each Mayor and Commission meeting. Connect to “A_Registered” User name: public Password:sep6

Free parking deck vouchers for citizens attending the monthly Regular Voting Meetings, Work Sessions, and Agenda Setting Meetings of the Mayor and Commission held at City Hall are available on the 2nd floor of City Hall.

ATTACHMENT A

PROCEDURE FOR CITIZEN INPUT ON ZONING RELATED PUBLIC HEARINGS.

All persons supporting and opposing a proposed rezoning may take either one of two different opportunities to address the Mayor and Commission at the final public hearing on the proposed rezoning, as follows:

1.a. Proponents shall first present their ten (10) minute argument in support of the proposed rezoning, and opponents shall then present their ten (10) minute argument in opposition to the proposed rezoning.

b. Neither side will be required to use all of its ten (10) minute argument period.

c. Either side may allocate its ten (10) minute argument period among any number of speakers, provided that the presentation by all speakers for each side shall not exceed ten (10) minutes per side.

d. All persons wishing to speak longer than three (3) minutes during one side's ten (10) minute argument period must register their intent to do so with the Clerk of Commission not later than the time that the meeting of the Mayor and Commission at which the final public hearing on the proposed rezoning is to be conducted is first called to order.

e. In the event that all persons wishing to speak longer than three (3) minutes as a part of one side's ten (10) minute argument are not able to agree how that side's ten (10) minute argument period shall be allocated, they shall inform the Mayor of their disagreement before either side begins its 10-minute argument, in which event the Mayor shall decide and announce the manner in which that side's ten (10) minute argument period shall be allocated. Any Commissioner dissatisfied with the Mayor's allocation of that side's ten (10) minute argument shall have the right to appeal the Mayor's allocation decision to the Commission before either side begins its ten (10) minute argument.

2. After the supporters and opponents of the proposed rezoning have concluded their ten (10) minute arguments, any person who has not yet spoken either for or against the proposed rezoning shall be allowed to address the Mayor and Commission concerning the proposed rezoning for no longer than three (3) minutes per person.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **TAX ALLOCATION DISTRICT ADVISORY COMMITTEES** AND FOR OTHER PURPOSES.

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

SECTION 1. Subsection (c) Section 1-28-1 entitled "*Advisory committees"* of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new subsection (c) is inserted in lieu thereof:

"Sec. 1-28-1. – Advisory committees.

(c) The Mayor is hereby authorized to appoint the members of each Advisory Committee which shall each consist of seven residents of Athens-Clarke County."

SECTION 2. Subsection (d) of Section 1-28-1 entitled "*Advisory committees"* of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new subsection (d) is inserted in lieu thereof:

"Sec. 1-28-1. – Advisory committees.

(d) Members of each Advisory Committee shall serve three (3) year staggered terms and may succeed themselves. For the initial formed committee, the Mayor shall designate three (3) members to serve initial three (3) year terms and four (4) members to serve initial two (2) year terms to allow for a continuation and distribution of knowledge amongst the new appointed members. After the initial appointment of members, all members shall be appointed to serve three (3) year terms. Members may continue to serve until their successors are appointed by the Mayor. The term of office for those individuals that were previously appointed to serve on any Advisory Committee prior to the effective date of this Section shall terminate on September 6, 2022, provided, however, that nothing shall preclude the Mayor's reappointment of said individuals, and, upon such reappointment, those individuals shall count their previous served time towards the term of their reappointment. A Chair, Vice-Chair, and Secretary shall be elected from the membership of each committee on an annual basis."

SECTION 3. Section 1-28-3 entitled "*Meetings"* of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"Sec. 1-28-3. – Meetings.

Each Advisory Committee shall hold such meetings as may be necessary for said Committee to evaluate proposed Redevelopment Projects and make recommendations to Athens-Clarke County and its Redevelopment Agency on the use of Tax Allocation District ("TAD") Funds within the Redevelopment Area of that district and effective and equitable implementation of the redevelopment plan for the district. All meetings shall be subject to Georgia Open Meetings Law with notice of said meetings being provided at

least 24 hours prior to the meeting. Meetings shall be open to the public, and conducted in accordance with the Georgia Open Meetings Law.

Four (4) of the seven (7) members of an advisory committee shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time. A majority of the members present must vote in the affirmative for a recommendation to be approved.

All records of each Advisory Committee shall be subject to Georgia Open Records law and maintained in accordance with local records retention schedules."

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

SECTION 5. Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 6. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SO ORDERED AND ORDAINED this ___ day of _____, 2022.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

_____
Kelly Girtz, Mayor

Attest: _____
Jean Spratlin, Clerk of Commission

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Amendment to the Code of Ordinances Creating the Tax Allocation District (TAD) Advisory Committees

DATE: July 26, 2022

BUDGET INFORMATION: None

REVENUES: N/A

EXPENSES: N/A
ANNUAL:
CAPITAL:
OTHER:

FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:
To request that the Mayor and Commission amend the ACCGov Code of Ordinances which created the Tax Allocation District (TAD) Advisory Committees to allow for up to seven committee members, staggered membership terms, and a Secretary role for each TAD Advisory Committee. (**Attachment #1**).

HISTORY:
1. In 1985, the State of Georgia General Assembly adopted the Redevelopment Powers Law, authorizing local governments to exercise redevelopment powers.

2. In 2006, the citizens of Athens-Clarke County approved a referendum to allow the county the right to exercise redevelopment powers under the "Redevelopment Powers Law" (O.C.G.A. 36-44). These redevelopment powers allow the creation of Tax Allocation Districts (TADs) within Athens-Clarke County.

3. In July 2013, the Downtown Athens Master Plan was developed as a comprehensive development plan for downtown Athens for the next 18 to 20 years. The plan strongly recommended the establishment of a Tax Allocation District in the east end of Downtown where there is a potential for considerable infill that will accomplish the goal of connecting the downtown core to the connecting river. It also stated that a TAD was needed both to encourage the appropriate urban density and to build the added infrastructure required to support it.

4. On June 5, 2018, the Mayor and Commission (M&C) approved the 2018 Comprehensive Plan during regular session. This plan included a land use goal to develop incentives to reuse existing development before new development in greenfields, including TADs.

5. On March 20, 2019, Attorney Dan McRae discussed tax allocation districts at the Mayor & Commission work session.

6. On May 7, 2019, Mayor Girtz requested, during M&C regular session, the Planning Commission develop policies and practices that will encourage mixed-income development across zones allowing for single family and multi-family residential units, including public infrastructure cost participation with inclusion of affordable units, along with identified sources of funding, such as Tax Allocation Districts, and other funds.

7. On October 3, 2019, Attorney Dan McRae and ACCGov Manager Williams discussed the proposed tax allocation districts at the Clarke County Board of Education meeting, seeking their support and participation.

8. On October 8, 2019, at their regularly scheduled work session, the M&C reviewed the proposed tax allocation district boundaries. Two proposed tax allocation districts were presented: Newton Bridge and the Downtown River District. The proposed Newton Bridge Tax Allocation District extended along Newton Bridge Road from the North Oconee River near Holland Youth Sports Complex and encompassed areas along Chase Street and Barber Street near Tracy Street. The proposed Downtown River District Tax Allocation District included parcels on Danielsville Road near Nowhere Road, the east section of the downtown core, and extended to parcels on Oconee Street and Wilkerson Street. The M&C directed that the boundaries of the Downtown River District be expanded to include river access and extend closer to the bypass, as well as include Bethel Homes and areas along North Avenue.

9. On October 22, 2019, the M&C received redevelopment plans for the Newton Bridge and Downtown River District Tax Allocation Districts at a special called session.

10. On October 29, 2019, a public hearing was held pursuant to O.C.G.A. Section 36-44-7(b) to obtain resident input and comments regarding the formulation and adoption of redevelopment plans for the Newton Bridge and Downtown River District Tax Allocation Districts. Mayor Girtz explained his decision to remove consideration of a resolution to adopt the two redevelopment plans off the November 5, 2019 agenda in favor of revisiting the process in 2020 to allow more time for public input and Commissioner consideration.

11. On May 26, 2020, at a special called work session, tax allocation districts were discussed and six prospective redevelopment areas were presented to Mayor & Commission for initial consideration and further discussion.

12. On June 26, 2020, public input began on the proposed redevelopment areas. Residents were asked to identify projects they would like to see funded through TAD funds in and around the proposed areas. The public input application allowed residents to select a parcel and provide comment on that specific area. A media release was distributed to announce the public input period through various channels, including through social media, Nextdoor, the main page of the website, and through an email newsletter to Economic Development Department subscribers. Staff also reached out to request assistance from the Neighborhood Leaders in informing neighborhoods about the public comment period.

13. On July 9, 2020, at the regularly scheduled work session, staff presented M&C with data for each redevelopment area based on evaluation criteria. Staff took descriptions provided for each prospective redevelopment area and created polygons to provide a basis for initial analysis. The Mayor and Commission indicated a preference that most residential zoned properties be excluded from the polygons, where possible. Redevelopment areas were evaluated based on the following categories:
    - Underdeveloped parcels;
    - Mixed-use development activity;
    - Recent development activity;
    - CCSD-owned property locations;
    - Proximity to Opportunity Zones;
    - Percentage of the tax digest; and
    - Nuisance property cases.

14. M&C further requested the public input period be extended through July 31, 2020.

15. On July 31, 2020, the public input period closed. A total of 101 responses were received; 88 responses from the original public input tool and 13 from the simplified survey.

16. On August 18, 2020, staff shared public input results with the M&C at the regularly scheduled agenda setting session. M&C expressed an interest in pursuing all six redevelopment areas as tax allocation districts this year.

17. On August 24, 2020, Manager Williams presented an overview of TADs and the six proposed redevelopment areas at the joint meeting of the Mayor & Commission and the Clarke County Board of Education.

18. On September 1, 2020, Mayor & Commission voted to approve six redevelopment areas and associated tax allocation district boundaries and goals. Those goals included:
    a. Public Infrastructure Needs;
    b. Housing Opportunities;
    c. Economic Development Partnership Opportunities; and
    d. CCSD and Youth Development

19. On September 2, 2020, Commissioner Thornton requested a potential redevelopment area in the vicinity of Nellie B. Avenue.

20. On September 16, 2020, Mayor Girtz directed a special called meeting to be scheduled for September 17, 2020 to consider an amendment to the East Downtown redevelopment area and tax allocation district boundaries.

21. On September 17, 2020, the M&C approved an amendment to the redevelopment area and associated boundaries for the East Downtown proposed tax allocation district.

22. On November 4, 2020, Manager Williams and Attorney Dan McCrae presented the draft redevelopment plans to the Mayor and Commission at a special called meeting.

23. On November 5, 2020, Manager Williams and Attorney Dan McCrae presented the draft redevelopment plans and associated draft school impact analyses to the Clarke County School District Board at their regularly scheduled work session.

24. On November 9, 2020, a public hearing was held pursuant to O.C.G.A. Section 36-44-7(b) to obtain citizen input and comments regarding the formulation and adoption of the six redevelopment plans.
    a. No public input was given for TAD #1.
    b. No public input was given for TAD #2.
    c. No public input was given for TAD #3.
    d. 7 residents spoke in support of TAD #4.
    e. 2 residents spoke in support of TAD #5.
    f. 1 resident spoke in support of TAD #6.

25. On November 10, 2020, the Mayor & Commission adopted the redevelopment plans during a special called session.

26. On December 10, the Clarke County Board of Education voted to approve participation in the Mall TAD. CCSD did not elect to participate in any of the other TADs at this time. CCSD further created a provision whereby if the Mall TAD did not increase in value by $1,000,000 in five years, then their participation would lapse.

27. On December 31, 2020, the six TADs were created. This then created the need to establish the Tax Allocation District Advisory Committees.

28. In February 2021, the Georgia Department of Revenue certified the tax allocation increment base for each of the six TADs.

29. In March 2021, Mayor Girtz appointed six individuals who would serve on the Lexington Road TAD Advisory Committee:

a. Lexington Road TAD Advisory Committee Members:
    i. Mack Duncan
    ii. Shane Dekle
    iii. Brantley Colbert
    iv. Rhett Butler
    v. Cshanyse Allen
    vi. Mae Walter.

30. On April 6, 2021, the Mayor and Commission voted to create an ordinance, Chapter 1-28, establishing separate advisory committees for each of the tax allocation districts created within Athens-Clarke County. This ordinance outlines who can serve, how many on each committee, membership terms, office seats, the committee's purpose and how their meetings shall be conducted.

31. On November 2, 2021, Mayor Girtz appointed five members to the Newton Bridge TAD Advisory Committee and seven members to the East Downtown TAD Advisory Committee.
    a. Newton Bridge TAD Advisory Committee Members:
        i. David Barbe
        ii. Chanda Santana
        iii. Leon Leathers
        iv. Daniel Epting
        v. Pete Dugas
    b. East Downtown TAD Advisory Committee Members
        i. Rashe Malcolm
        ii. Fred Smith
        iii. Smith Wilson
        iv. Rinne Allen
        v. Regina Walker
        vi. Madeline Van Dyck
        vii. Charlie Gluodenis

32. On March 1, 2022, Mayor Girtz appointed five individuals who would serve on the Mall Area TAD Advisory Committee and one member to the Newton Bridge TAD Advisory Committee.
    a. Mall Area TAD Advisory Committee Members:
        i. Vincent Jolly
        ii. Rick Dunn
        iii. Denise Ricks
        iv. Michael Seibert
        v. Jennifer Zwirn
    b. Additional Newton Bridge TAD Advisory Committee Member:
        i. Tracy Davenport

FACTS & ISSUES:

1. Subsection (c) of Section 1-28-1 of the Code of Athens-Clarke County, Georgia states: *The Mayor is hereby authorized to appoint the members of each Advisory Committee which shall each consist of six residents of Athens-Clarke County.*
    - Four TAD Advisory Committees have been appointed thus far: Newton Bridge, Mall Area, Lexington Road and East Downtown. Of those, the East Downtown TAD Advisory Committee has seven appointed members. Currently, the code does not legally allow for and recognize the appointment of seven members. Therefore, to not have members be removed from their appointment, it is recommended that the code read that each committee consist of up to seven residents of Athens-Clarke County. This amendment would also allow for more equal representation and to more readily attain a quorum.

2. Subsection (d) of Section 1-28-1 of the Code of Athens-Clarke County, Georgia states: *Members of each Advisory Committee shall serve (3) three year terms and may succeed themselves. Members may continue to serve until their successors are appointed by the Mayor. A Chair and Vice Chair of shall be elected from the membership of each committee on an annual basis.*
    - The current reading of the Code would cause a completely new membership to be established every three years resulting in no transfer of knowledge from one membership to the next. To allow for this transfer of knowledge, it is recommended that the members serve three year staggered terms. To create the staggered terms, 3 members of the initial appointed membership will serve the standard 3 years and the remaining members will serve only 2 years. These members are serving a shorter term than the standard term because no member's term can be longer than the standard. This initial staggering will be accomplished by the Mayor terminating all the terms of office for the members by August 15, 2022 but then reinstating those same members with their newly appointed terms of office.
    - The above subsection also only lists two office seats for each committee: a Chair and Vice Chair. It is recommended that the Code be amended to allow for a Secretary Officer seat to be added to each Advisory Committee to help record accurate minutes, as required by the Open Meetings and Open Records Law.

3. Lastly, Section 1-28-3 states: Three of the six members of an advisory committee shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time.
    - It is recommended that this section by amended to say "*four of the seven members"* to accurately reflect the requested amendment above.

4. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:

- Organizational Improvement Goal, Strategy D: *Increase resident engagement in the decision-making process to give greater emphasis to information and power sharing, mutual respect, and reciprocity between residents and their government*

OPTIONS:

1. Mayor and Commission amend the ACCGov Code of Ordinances which created the Tax Allocation District (TAD) Advisory Committees to allow for up to seven committee members, staggered membership terms, and a Secretary role for each TAD Advisory Committee. (**Attachment #1**).

2. Mayor and Commission deny the amendment to the Code of Athens-Clarke County, Georgia which created the Tax Allocation District Advisory Committees. **(Attachment #1**)

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option 1

DEPARTMENT:
Prepared by: Caitlin Dye

Ilka McConnell, Economic Development, Director — Date:07/26/22

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1

Manager — Date: August 10, 2022

ATTACHMENTS:

Attachment #1: TAD Advisory Committee Ordinance Amendment
Attachment #2: Updated TAD Advisory Committee Membership Terms

Names	Terms of Membership				
Lexington Rd.	**Mar-21**	**Mar-22**	**Mar-23**	**Mar-24**	**Attachment #2**
Mae Walter	Start	1	2	3	
Cshaynse Allen	Start	1	2		
Rhett Butler	Start	1	2	3	
Mack Duncan	Start	1	2		
Shane Dekle	Start	1	2	3	
Brantley Colbert	Start	1	2		

Mall Area	**Mar-22**	**Mar-23**	**Mar-24**	**Mar-25**
Vincent Jolly	Start	1	2	3
Rick Dunn	Start	1	2	
Denise Ricks	Start	1	2	3
Michael Seibert	Start	1	2	
Jennifer Zwirn	Start	1	2	3

Newton Bridge	**Mar-22**	**Mar-23**	**Mar-24**	**Mar-25**
David Barbe	Start	1	2	3
Chanda Santana	Start	1	2	
Leon Leathers	Start	1	2	3
Daniel Epting	Start	1	2	
Pete Dugas	Start	1	2	3
Tracy Davenport	Start	1	2	

East Downtown Area	**Mar-22**	**Mar-23**	**Mar-24**	**Mar-25**
Rashe Malcolm	Start	1	2	3
Fred Smith	Start	1	2	
Smith Wilson	Start	1	2	
Rinne Allen	Start	1	2	
Regina Walker	Start	1	2	3
Madeline Van Dyck	Start	1	2	
Charlie Gluodenis	Start	1	2	3

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

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

SECTION 1. Chapter 8-2 of the Code Athens-Clarke County, Georgia, entitled "*Flood Protection,"* is hereby deleted in its entirety and replaced so it now reads as follows:

Sec. 8-2-1. Purpose.

It is the intent of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to regulate the use and development of property located in such areas; to provide protection from flooding and inundation to persons and property; to prevent interference with the flow of any watercourse; to prevent any appreciable expansion of flooding, siltation, erosion or inundation hazards; and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Further, this chapter is intended to be compatible with and supportive of the establishment of greenways, river walks and parks and other public uses of floodplains and watercourses as expressed through the land use plan and that may be authorized by other ordinances.

Sec. 8-2-2. General provisions.

(a) *Adoption of documents identifying Areas of Special Flood Hazard.* The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "Flood Insurance Study for Athens-Clarke County, Georgia (All Jurisdictions)," and National Flood Insurance Program-Flood Insurance Rate Map (FIRM) for Athens-Clarke County, Georgia (All Jurisdictions), dated April 2, 2007, as amended from time to time, are hereby adopted by reference and declared to be a part of these regulations.

(1) Copies of the Flood Insurance Study and FIRM described above shall be maintained on file and available for public inspection in the office of the Clerk of the Athens-Clarke County Commission, City Hall, Suite 204, 301 College Avenue, and by reference are made a part of this chapter as if fully incorporated herein.

(2) Purpose of flood insurance study. This study is intended to give the general location of flood hazard areas, the elevation for the regulatory flood, and to determine the nature and extent of flood hazard areas on any particular property. Hydrological studies, engineering computations, flood records and field surveys complied and certified by a registered professional engineer may be required for exact delineation of flood limits and elevations.

(3) The Floodplain Administrator within the Department of Transportation and Public Works is hereby designated to administer and implement the provisions of this chapter and the floodplain management program for the Unified Government of Athens-Clarke County.

(4) Data in order to administer. When base flood elevation data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer the provisions of this chapter. Such data could include U.S. Army Corps of Engineer reports.

(b) *Application.* This chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Athens-Clarke County. The provisions of this chapter shall not apply to any project for improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

(c) *Uses not permitted.* No use shall be permitted if the proposed use, in conjunction with all other uses permitted, would raise the water surface elevations of the 100-year flood by more than one foot at any point.

(d) *Floodway.* In addition to all of the standards, encroachments (including fill), new constructions, substantial improvements and other developments shall be prohibited within floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments will not result in any increase in flood levels or floodway widths during occurrence of the base flood discharge.

(e) *Application of chapter to Athens-Clarke County property.* All of the provisions of this chapter shall also apply to property owned by Athens-Clarke County.

(f) *Use of other data.* The Floodplain Administrator may reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other developments in areas of Special Flood Hazard comply with the requirements of section 8-2-4.

Sec. 8-2-3. Application procedures.

(a) *Permit required.* No person shall perform any construction, conversion, substantial improvement or development in areas of Special Flood Hazards as set forth in the provisions of this chapter without first obtaining a development permit from the chief building official. A Flood Plain Construction Permit is also required from the Department of Transportation and Public Works. The fee for the Flood Plain Construction Permit will be charged in accordance with the fee schedule in Section 7-1-560.

(b) *Application for permit; required information.* Application for a development permit shall be made to the chief building official on forms furnished by him/her accompanied by two sets of the site development plan drawn to scale showing the nature, location and dimensions of the proposed development in question; also showing existing and proposed structures and where applicable the location of fill and storage of material and drainage facilities. In addition, the following information shall be provided:

Application stage:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed and existing structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure has been flood-proofed.

(3) Design certification from a registered professional engineer or architect stating that any nonresidential flood-proofed structure meets the flood-proofing requirements in section 8-2-4(a)(8).

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(5) *Approval from the Floodplain Administrator.* No development permit in Areas of Special Flood Hazard shall be issued unless such permit is approved by the Floodplain Administrator as meeting the provisions of this chapter.

Construction stage:

(1) For all new construction and substantial improvements, the permit holder shall provide to the chief building official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The chief building official shall review the above referenced certification data submitted. If deficiencies are detected by such review, the permit holder shall immediately correct noted deficiencies and correction shall be prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

(c) *Maintenance of records; verification of elevation.* All records pertaining to the provisions of this chapter shall be maintained in the office of the chief building official.

(d) *No Certification by Athens-Clarke County.* Nothing in this chapter nor any review or approval of an application or issuance of a permit shall constitute any certification by Athens-Clarke County or any official or employee of Athens-Clarke County that flooding or flood damage shall not occur on any property or any structure located thereon.

Sec. 8-2-4. Development standards.

(a) *Residential and nonresidential.*

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage utilizing methods and practices that minimize flood damage and shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated a minimum of one foot above the base flood elevation.

(3) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(4) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(6) Any alteration, repair, reconstruction or improvement to a structure on which the start of construction was begun after the effective date of this chapter shall meet the requirements of "new construction" as contained in this chapter.

(7) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation.

(8) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above base flood elevation or, together with attendant utility and sanitary facilities, shall be flood-proofed to one foot above the base flood elevation, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the chief building official.

(9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor formed by foundation and other exterior walls shall be designed so as to be unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

c. So as not to violate the "Lowest Floor" criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

d. The interior portion of such area shall not be partitioned or finished into separate rooms.

(10) Any changes or revisions, proposed as part of a new construction or substantial improvement project to the flood data adopted herein and shown on the Flood Insurance Rate Map (FIRM) shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project the developer is responsible for submitting the as-built data to FEMA in order to obtain the final Letter of Map Revision (LOMR).

(b) *Manufactured homes.*

(1) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter.

(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than 50 feet or two additional ties per side for manufactured homes of 50 feet or more;

b. frame ties be provided at each corner of the manufactured home with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes of 50 feet or longer; and

c. all components of the anchoring system be capable of carrying a force of 4,725 pounds and any additions to the manufactured home be similarly anchored.

(3) For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, construction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, the following are required:

a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level;

b. Adequate surface drainage and access for a hauler are provided; and

c. In the instance of elevation on pilings:

1. Lots are large enough to permit access steps; and
2. Piling foundations are placed in stable soil no more than ten feet apart; and
3. Reinforcement is provided for pilings more than six feet above the ground level.

(c) *Standards for recreational vehicles.*

All recreational vehicles places on sites within Zones A1-30, AH, and AE on the Athens-Clarke County FIRM shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the permit requirements of Sec. 8-2-3 (a) and Sec. 8-2-4 (b). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) *Standards for subdivision proposals and other development proposals.*

(1) All subdivision and/or other development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;

(2) All subdivision and/or other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision and/or other development proposals shall have adequate drainage provided to reduce exposure to flood hazard; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) on proposed projects of five acres or which have 50 or more lots.

(e) *Standards for critical facilities.*

(1) Notwithstanding section 8-2-2(b), critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(2) All ingress and egress from any critical facility must have minimum elevation equal to or above the 500-year flood elevation.

(f) *Standards for streams without established base flood elevations and/or floodway.* For A-zones located within the areas of Special Flood Hazard, or where streams exist but no base flood data have been provided, or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided, then the applicant shall provide to the Department of Transportation and Public Works for review any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter. Only if data are not available from these sources, then the following shall apply:

a. No encroachment, including structures or fill material, shall be located within area equal to the width of the stream or 75 feet, whichever is greater, measured from the top of stream bank, unless certification by a registered professional engineer is

provided demonstrating that the encroachment shall not result in more than a one-foot increase in flood levels during the occurrence of a base flood discharge.

b. In Areas of Special Flood Hazard without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards identified in section 8-2-4.

(g) *Standards for Areas of Shallow Flooding (AO or AH Zones).* For Areas of Special Flood Hazard designated "AO" or "AH" on the community's Flood Insurance Rate Map, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standard identified in section 8-2-4.

(2) New construction or the substantial improvement of a nonresidential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood elevation plus a minimum of one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with the accepted standards of practice for compliance with the provisions above.

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 8-2-5. Duties and responsibilities of the Athens-Clarke County Floodplain Administrator.

The Floodplain Administrator upon receipt from the chief building official of a copy of the application for a permit shall perform the following:

(1) Review all development plans to assure that the permit requirements of this chapter have been satisfied and that all new construction and substantial improvements will be reasonably safe from flooding.

(2) Advise developer that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) When Base Flood Elevation data or floodway data have not been provided in accordance with this chapter, then the applicant shall submit additional information as necessary for the department to review and reasonably utilize any base flood elevation

and floodway data available from a federal, state, or other sources in order to administer the requirements of this chapter.

(4) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(5) For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(6) Require that maintenance is provided within the altered relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

(7) When flood proofing is utilized for a particular nonresidential structure, the Floodplain Administrator shall ensure that certification from a registered professional engineer or architect has been provided.

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of Special Flood Hazard, the Floodplain Administrator shall make the necessary interpretation.

(9) Request additional information of applicant and/or undertake additional studies deemed necessary in order to render a decision.

(10) Make substantial damage determinations following a flood event or any other event that causes damage to structures in Areas of Special Flood Hazard.

Sec. 8-2-6. Variances and appeals.

(a) *Variances.* The Athens-Clarke County Hearings Board shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this chapter. A formal written application for a variance shall be filed with the Public Works Director for submittal to the Athens-Clarke County Hearings Board created in title 9 of the Code of Athens-Clarke County.

(1) The following procedures shall apply to all applications:

a. The application for variance shall state the specific variances sought and the reasons for their granting.

b. It shall be the applicant's responsibility to provide sufficient justification for granting the variance.

c. The Floodplain Administrator shall prepare an evaluation statement concerning each application for variance. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the variance request. The evaluation statement may include recommendations by the Department of Transportation and Public Works concerning the variance to the Hearings Board.

d. In passing upon such applications, the Athens-Clarke County Hearings Board shall consider all technical evaluation and relevant factors presented by the applicant and the government and the standards specified below.

e. If a variance is granted, it shall be granted upon findings by the Hearings Board that the following standards have been met:

1. A determination that the applicant has made a showing of good and sufficient cause; and

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, threats to public safety and extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

f. After hearing and upon consideration of the application, evidence and applicable law, the Athens-Clarke County Hearings Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure without regard to the procedures set forth in the remainder of this section.

(4) Any applicant to whom a variance is granted within the Area of Special Flood Hazard shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(5) The Floodplain Administrator shall maintain records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(6) *Appeals of variance decisions.* The procedure for appealing variances shall be those set forth in the Zoning Ordinance.

(b) *Denials of permits; appeals.*

(1) All denials of a permit under this chapter shall be accompanied by a copy of a report from the Floodplain Administrator stating the purpose for which a permit has been denied.

(2) Upon filing a written notice of appeal, any person aggrieved by the decision of the chief building official or Floodplain Administrator, under this chapter, shall be entitled

to a hearing before the Administrative Hearing Officer pursuant to the provisions of section 1-5-1.

(3) Appeals of the decision of the Administrative Hearing Officer. Appeals of the decision of the Administrative Hearing Officer shall be as provided by state law.

Sec. 8-2-7. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 8-2-8. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of an offense and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be deemed a separate offense.

Sec. 8-2-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasion. Flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This chapter shall not imply that areas outside the floodplain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of Athens-Clarke County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 8-2-10. Definitions of terms.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural and the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

Accessory structure: means a structure having minimal value and used for parking, storage, and other non-habitable uses, such as garages, carports, storage sheds, pole barns, or hay sheds.

Appeal: A request for a review of the chief building official's interpretation of any provision of this chapter or a request for a variance by the Hearings Board.

Area of shallow flooding: means a designated AO or AH zone on a community's Flood Insurance Rate Map with base flood elevations from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain subject to one percent or greater chance of flooding in any given year (also known as the 100-year floodplain). Areas of Special Flood Hazard include those areas officially designated as such by the Federal Emergency Management Agency, and those areas designated by the Unified Government of Athens-Clarke County through engineering analysis and scientific study as areas of Special Flood Hazard. For purposes of this chapter the term "special flood hazard area(s)" is synonymous in meaning with the phrase "Area(s) of Special Flood Hazard."

Athens-Clarke County Hearings Board: A board that has been established by the zoning ordinance to hear requests for variances, as defined in this chapter.

Base flood: means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood level or elevation: The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: means any area of the building having its floor subgrade (below ground level) on all sides.

Building: see definition for structure.

Chief building official: The director of the building inspection department or his designee for the Unified Government of Athens-Clarke County.

Critical Facility: means any public or private facility, which if flooded, would create an added dimension to a disaster or would increase the hazard to life and health. Critical Facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable explosive, toxic, or water reactive materials;

(2) Hospitals or nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants and other principal points of utility lines.

Developer: Any person who acts in his own behalf or as an agent of an owner of property and engaged in alteration of land or vegetation in preparation for construction activity.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, grading, excavation or drilling operations or storage of equipment or materials.

Development permit: A permit issued by the building inspection department for development after all of the requirements of this chapter have been satisfied.

Existing construction: means for the purpose of determining rates, structures for which the "start of construction" commenced before December 15, 1978. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1992.

Expansion to an existing manufactured home park or subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any sources.

Flood Insurance Rate Map (FIRM): An official map of Athens-Clarke County on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

Flood Insurance Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Floodplain administrator: The Director of the Department of Transportation and Public Works or his designee for the Unified Government of Athens-Clarke County.

Floodplain or *flood-prone area:* Means any land area susceptible to flooding.

Flood-proofed or flood-proofing: Means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the flood levels which are identified on the flood boundary maps as part of the flood insurance study.

Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure: means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of Interior, or

b. Directly by the Secretary of Interior in states without approved state programs.

Lowest Floor: The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable requirements of this chapter.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For the purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after December 15, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the start of construction commenced after March 1, 1992 and includes any subsequent improvement to such structures.

New manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed on or after March 1, 1992.

Owner: The person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under his lease for the maintenance of the property and any agent of the owner or tenant including a developer.

Recreational vehicle: means a vehicle which is

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Site development plan: The plan required to acquire a development, construction or building permit which shows the means by which the developer will conform with applicable provisions of this chapter and other applicable ordinances.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways or the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: A walled or roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to the structure's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any repair, reconstruction or improvement of an existing structure the cost of which equals or exceeds 50 percent of the market value of the existing structure either before the improvement of repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specification which are solely necessary to assure safe living condition or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance: A grant of relief to a person from specific requirements of this chapter after a hearing by the Hearings Board.

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.

SECTION 4. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SO ORDERED AND ORDAINED this ___ day of _____, 2022.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

_____

Kelly Girtz, Mayor

Attest: _____

Jean Spratlin, Clerk of Commission

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Revision to Flood Protection Ordinance

DATE: July 26, 2022

BUDGET INFORMATION:

REVENUES:

EXPENSES: N/A

FUNDING SOURCE:

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that Mayor and Commission adopt a revision to the Flood Protection Ordinance, Chapter 8-2 of the Athens-Clarke County Code of Ordinances, as shown in **Attachment #1**. This revision is necessary for ACCGov to continue participation in the National Flood Insurance Program (NFIP).

HISTORY:

1. The Flood Protection Ordinance (Chapter 8-2 of the Code of Ordinances for Athens-Clarke County) was adopted shortly after unification on December 5, 1991.

2. In May, 1992, Athens-Clarke County's flood insurance rate maps were last comprehensively updated.

3. In 2005, the Georgia Floodplain Map Modernization project began with funds from FEMA to convert the existing paper Flood Insurance Rate Maps into a digital format. This was completed in 2007. The digital Flood Insurance Rate Maps are called DFIRMS. The effective date of the DFIRMS was April 2, 2007.

4. On January 23, 2007, the Georgia Department of Natural Resources (DNR) State Floodplain Management Administrator met with Transportation & Public Works staff to review ACCGov's floodplain management ordinance and floodplain management program as part of the State's Community Assistance program.

5. On March 6, 2007, the Mayor and Commission adopted revisions to Chapter 8-2 to reflect recommendations from the DNR to remain in compliance with the National Flood Insurance Program.

6. In March and April 2021, and by advertisement in the Athens-Banner Herald, notice was given to Athens-Clarke County residents of new preliminary flood maps. Postcards were mailed to property owners of parcels for which the new flood elevation would increase and for parcels that would be newly added to flood mapped areas. For the parcels that would be newly added, ACCGov staff visited each site, spoke with residents who were available, and dropped off post cards and contact information. The post cards referenced upcoming virtual flood risk open houses. Nine property owners chose to take advantage of these open houses to have their flood map questions answered. Several other residents visited the Transportation and Public Works office at 120 W. Dougherty Street to view the proposed maps and to ask questions.

7. On March 15, 2022, FEMA sent ACCGov a letter of final determination. This letter stated that the new flood hazard determinations for Athens-Clarke County were considered final, they would be published in the Federal Register as soon as possible, and the new Flood Insurance Rate Maps will become effective on September 15, 2022.

8. On August 9, 2022, T&PW staff presented background information for this agenda at the regularly scheduled Mayor and Commission work session.

FACTS & ISSUES:

1. ACCGov has been a participating community in the National Flood Insurance Program (NFIP) since unification. The purpose of the NFIP is to break the continual cycle of flooding, damage, and repair.

2. Over the last several years, 74.6 miles of Athens-Clarke County waterways have been studied under the Georgia Flood Map program. This has resulted in new flood maps for the North Oconee River, the Middle Oconee River, the Oconee River, McNutt Creek, and some of the smaller tributaries to these waterways.

3. The March 15, 2022 FEMA letter of final determination stated that all standards specified in 44 Code of Federal Regulations Part 60.3(d) must be enacted in a legally enforceable document by the effective date of the new Flood Insurance Rate Map to continue eligibility in the National Flood Insurance Program.

4. By email of February 23, 2022, the Community Assistance Official of the Floodplain Management Unit of the Georgia DNR notified Athens-Clarke County of the specific text amendments to ACCGov Chapter 8-2 that would be required to meet federal regulations. These revisions are included in Attachment #1.

5. By a timing coincidence, FEMA is currently updating the National Flood Insurance Program's risk rating methodology. This is accomplished through implementation of a new pricing methodology called Risk Rating 2.0. This goal is to deliver rates that are actuarily sound and that better reflect a property's flood risk. Risk Rating 2.0 is happening on a national level, is independent of the new flood maps for Athens-Clarke County, and is not related to the proposed amendments to Chapter 8-2. No local ordinance text changes are required for Risk Rating 2.0.

6. The new flood maps for Athens-Clarke County do not attempt to take climate change into account. The flood map changes are primarily due to improved topographic mapping and more accurate hydraulic modelling.

7. Flood maps can be viewed at www.georgiadfirm.com by entering an address.

8. Adoption of this amended Ordinance is necessary for compliance with the National Flood Insurance Program and provides the following benefits to both Athens-Clarke County and its residents:
    a) The principal benefit for participating in this program is that it allows private individuals to purchase federally backed flood insurance.
    b) Communities participating in the NFIP are also eligible to apply for federal funds under the 404 Post Disaster Hazard Mitigation Grant program administered by FEMA.
    c) Finally, in the event of a presidential declared disaster, impacted residents will have access to disaster assistance funds that are not otherwise available in non-participating communities.

9. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:
    - Built and Natural Infrastructure

OPTIONS:

1. Mayor and Commission adopt a revision to the Flood Protection Ordinance, Chapter 8-2 of the Athens-Clarke County Code of Ordinances, as shown in **Attachment #1**.

2. Mayor and Commission do not adopt the revision to the Flood Protection Ordinance.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1

DEPARTMENT: Transportation & Public Works
Prepared by: Todd Stevenson, Stormwater Division Administrator



July 27, 2022

Stephen Bailey
Director

Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1



August 10, 2022

Manager

Date:

ATTACHMENTS:

Attachment #1: Flood Protection Ordinance with Proposed Revisions

CHAPTER 8-2. FLOOD PROTECTION[1]

Sec. 8-2-1. Purpose.

Sec. 8-2-2. General provisions.

Sec. 8-2-3. Application procedures.

Sec. 8-2-4. Development standards.

Sec. 8-2-5. Duties and responsibilities of the Athens-Clarke County Floodplain Administrator.

Sec. 8-2-6. Variances and appeal.

Sec. 8-2-7. Abrogation and greater restrictions.

Sec. 8-2-8. Penalties for violation.

Sec. 8-2-9. Warning and disclaimer of liability.

Sec. 8-2-10. Definitions of terms.

Sec. 8-2-1. Purpose.

It is the intent of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to regulate the use and development of property located in such areas; to provide protection from flooding and inundation to persons and property; to prevent interference with the flow of any watercourse; to prevent any appreciable expansion of flooding, siltation, erosion or inundation hazards; and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction. Further, this chapter is intended to be compatible with and supportive of the establishment of greenways, river walks and parks and other public uses of floodplains and watercourses as expressed through the land use plan and that may be authorized by other ordinances.

(Ord. of 12-5-91 § 1(I); Ord. of 3-6-2007, § 1)

Sec. 8-2-2. General provisions.

(a) *Adoption of documents identifying Areas of Special Flood Hazard.* The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "~~The~~ Flood Insurance Study ~~Volume 1 and 2~~ for Athens-Clarke County, Georgia (All Jurisdictions)," and National Flood Insurance Program-Flood Insurance Rate Map (FIRM) for Athens-Clarke County, Georgia (All Jurisdictions), dated April 2, 2007, as amended from time to time, are hereby adopted by reference and declared to be a part of these regulations.

(1) Copies of the Flood Insurance Study and FIRM described above shall be maintained on file and available for public inspection in the office of the Clerk of the Athens-Clarke County Commission, City

[1]Cross reference(s)—Public safety, Title 3; buildings and construction, Title 7.

Hall, Suite 204, 301 College Avenue, and by reference are made a part of this chapter as if fully incorporated herein.

(2) Purpose of flood insurance study. This study is intended to give the general location of flood hazard areas, the elevation for the regulatory flood, and to determine the nature and extent of flood hazard areas on any particular property. Hydrological studies, engineering computations, flood records and field surveys complied and certified by a registered professional engineer may be required for exact delineation of flood limits and elevations.

(3) The Floodplain Administrator within the Department of Transportation and Public Works is hereby designated to administer and implement the provisions of this chapter and the floodplain management program for the Unified Government of Athens-Clarke County.

(4) Data in order to administer. When base flood elevation data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer the provisions of this chapter. Such data could include U.S. Army Corps of Engineer reports.

(b) *Application.* This chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Athens-Clarke County. The provisions of this chapter shall not apply to any project for improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

(c) *Uses not permitted.* No use shall be permitted if the proposed use, in conjunction with all other uses permitted, would raise the water surface elevations of the 100-year flood by more than one foot at any point.

(d) *Floodway.* In addition to all of the standards, encroachments (including fill), new constructions, substantial improvements and other developments shall be prohibited within floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments will not result in any increase in flood levels or floodway widths during occurrence of the base flood discharge.

(e) *Application of chapter to Athens-Clarke County property.* All of the provisions of this chapter shall also apply to property owned by Athens-Clarke County.

(f) *Use of other data.* The Floodplain Administrator may reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other developments in areas of Special Flood Hazard comply with the requirements of section 8-2-4.

(Ord. of 12-5-91 § 1(II); Ord. of 3-6-2007, § 1)

Sec. 8-2-3. Application procedures.

(a) *Permit required.* No person shall perform any construction, conversion, substantial improvement or development in areas of Special Flood Hazards as set forth in the provisions of this chapter without first obtaining a development permit from the chief building official. A Flood Plain Construction Permit is also required from the Department of Transportation and Public Works. The fee for the Flood Plain Construction Permit will be charged in accordance with the fee schedule in Section 7-1-560.

(b) *Application for permit; required information.* Application for a development permit shall be made to the chief building official on forms furnished by him/her accompanied by two sets of the site development plan drawn to scale showing the nature, location and dimensions of the proposed development in question; also showing existing and proposed structures and where applicable the location of fill and storage of material and drainage facilities. In addition, the following information shall be provided:

Application stage:

(1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed and existing structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure has been flood-proofed.

(3) Design certification from a registered professional engineer or architect stating that any nonresidential flood-proofed structure meets the flood-proofing requirements in section 8-2-4(a)(8).

(4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(5) *Approval from the Floodplain Administrator.* No development permit in Areas of Special Flood Hazard shall be issued unless such permit is approved by the Floodplain Administrator as meeting the provisions of this chapter.

Construction stage:

(1) For all new construction and substantial improvements, the permit holder shall provide to the chief building official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(2) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The chief building official shall review the above referenced certification data submitted. If deficiencies are detected by such review, the permit holder shall immediately correct noted deficiencies and correction shall be prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

(c) *Maintenance of records; verification of elevation.* All records pertaining to the provisions of this chapter shall be maintained in the office of the chief building official.

(d) *No Certification by Athens-Clarke County.* Nothing in this chapter nor any review or approval of an application or issuance of a permit shall constitute any certification by Athens-Clarke County or any official or employee of Athens-Clarke County that flooding or flood damage shall not occur on any property or any structure located thereon.

(Ord. of 12-5-91 § 1(III); Ord. of 3-6-2007, § 1; Ord. of 11-3-2009, § 3)

Sec. 8-2-4. Development standards.

(a) *Residential and nonresidential.*

(1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage utilizing methods and practices that minimize flood damage and shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated a minimum of one foot above the base flood elevation.

(3) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(4) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(6) Any alteration, repair, reconstruction or improvement to a structure on which the start of construction was begun after the effective date of this chapter shall meet the requirements of "new construction" as contained in this chapter.

(7) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation.

(8) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above base flood elevation or, together with attendant utility and sanitary facilities, shall be flood-proofed to one foot above the base flood elevation, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the chief building official.

(9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor formed by foundation and other exterior walls shall be designed so as to be unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

c. So as not to violate the "Lowest Floor" criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

d. the interior portion of such area shall not be partitioned or finished into separate rooms.

(10) Any changes or revisions, proposed as part of a new construction or substantial improvement project to the flood data adopted herein and shown on the Flood Insurance Rate Map (FIRM) shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project the developer is responsible for submitting the as-built data to FEMA in order to obtain the final Letter of Map Revision (LOMR).

(b) *Manufactured homes.*

(1) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated

two feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter.

(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than 50 feet or two additional ties per side for manufactured homes of 50 feet or more;

b. frame ties be provided at each corner of the manufactured home with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes of 50 feet or longer; and

c. all components of the anchoring system be capable of carrying a force of 4,725 pounds and any additions to the manufactured home be similarly anchored.

(3) For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, construction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, the following are required:

a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level;

b. Adequate surface drainage and access for a hauler are provided; and

c. In the instance of elevation on pilings:

1. Lots are large enough to permit access steps; and

2. Piling foundations are placed in stable soil no more than ten feet apart; and

3. Reinforcement is provided for pilings more than six feet above the ground level.

(c) *Standards for recreational vehicles.*

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Athens-Clarke County FIRM shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the permit requirements of Sec. 8-2-3 (a) and Sec. 8-2-4 (b). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(~~c~~d) *Standards for subdivision proposals and other development proposals.*

(1) All subdivision and/or other development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;

(2) All subdivision and/or other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) All subdivision and/or other development proposals shall have adequate drainage provided to reduce exposure to flood hazard; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) on proposed projects of five acres or which have 50 or more lots.

(~~d~~e) *Standards for critical facilities.*

(1) Notwithstanding section 8-2-2(b), critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

(2) All ingress and egress from any critical facility must have minimum elevation equal to or above the 500-year flood elevation.

(~~e~~f) *Standards for streams without established base flood elevations and/or floodway.* For A-zones located within the areas of Special Flood Hazard, or where streams exist but no base flood data have been provided, or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

(1) When base flood elevation data or floodway data have not been provided, then the applicant shall provide to the Department of Transportation and Public Works for review any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter. Only if data are not available from these sources, then the following shall apply:

a. No encroachment, including structures or fill material, shall be located within area equal to the width of the stream or 75 feet, whichever is greater, measured from the top of stream bank, unless certification by a registered professional engineer is provided demonstrating that the encroachment shall not result in more than a one-foot increase in flood levels during the occurrence of a base flood discharge.

b. In Areas of Special Flood Hazard without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards identified in section 8-2-4.

(~~f~~g) *Standards for Areas of Shallow Flooding (AO or AH Zones).* For Areas of Special Flood Hazard designated "AO" or "AH" on the community's Flood Insurance Rate Map, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standard identified in section 8-2-4.

(2) New construction or the substantial improvement of a nonresidential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood elevation plus a minimum of one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with the accepted standards of practice for compliance with the provisions above.

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

(Ord. of 12-5-91 § 1(IV); Ord. of 3-3-92 § 1; Ord. of 3-6-2007, § 1)

Sec. 8-2-5. Duties and responsibilities of the Athens-Clarke County Floodplain Administrator.

The Floodplain Administrator upon receipt from the chief building official of a copy of the application for a permit shall perform the following:

(1) Review all development plans to assure that the permit requirements of this chapter have been satisfied and that all new construction and substantial improvements will be reasonably safe from flooding.

(2) Advise developer that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) When Base Flood Elevation data or floodway data have not been provided in accordance with this chapter, then the applicant shall submit additional information as necessary for the department to review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources in order to administer the requirements of this chapter.

(4) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(5) For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

(6) Require that maintenance is provided within the altered relocated portion of such watercourse so that the flood-carrying capacity is not diminished.

(7) When flood proofing is utilized for a particular nonresidential structure, the Floodplain Administrator shall ensure that certification from a registered professional engineer or architect has been provided.

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of Special Flood Hazard, the Floodplain Administrator shall make the necessary interpretation.

(9) Request additional information of applicant and/or undertake additional studies deemed necessary in order to render a decision.

(10) Make substantial damage determinations following a flood event or any other event that causes damage to structures in Areas of Special Flood Hazard.

(Ord. of 12-5-91 § 1(V); Ord. of 3-6-2007, § 1)

Sec. 8-2-6. Variances and appeals.

(a) *Variances.* The Athens-Clarke County Hearings Board shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this chapter. A formal written application for a variance shall be filed with the Public Works Director for submittal to the Athens-Clarke County Hearings Board created in title 9 of the Code of Athens-Clarke County.

(1) The following procedures shall apply to all applications:

a. The application for variance shall state the specific variances sought and the reasons for their granting.

b. It shall be the applicant's responsibility to provide sufficient justification for granting the variance.

c. The Floodplain Administrator shall prepare an evaluation statement concerning each application for variance. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the variance request. The evaluation statement may include recommendations by the Department of Transportation and Public Works concerning the variance to the Hearings Board.

d. In passing upon such applications, the Athens-Clarke County Hearings Board shall consider all technical evaluation and relevant factors presented by the applicant and the government and the standards specified below.

e. If a variance is granted, it shall be granted upon findings by the Hearings Board that the following standards have been met:

1. A determination that the applicant has made a showing of good and sufficient cause; and

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, threats to public safety and extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

f. After hearing and upon consideration of the application, evidence and applicable law, the Athens-Clarke County Hearings Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(3) Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure without regard to the procedures set forth in the remainder of this section.

(4) Any applicant to whom a variance is granted within the Area of Special Flood Hazard shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(5) The Floodplain Administrator shall maintain records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(6) *Appeals of variance decisions.* The procedure for appealing variances shall be those set forth in the Zoning Ordinance.

(b) *Denials of permits; appeals.*

(1) All denials of a permit under this chapter shall be accompanied by a copy of a report from the Floodplain Administrator stating the purpose for which a permit has been denied.

(2) Upon filing a written notice of appeal, any person aggrieved by the decision of the chief building official or Floodplain Administrator, under this chapter, shall be entitled to a hearing before the Administrative Hearing Officer pursuant to the provisions of section 1-5-1.

(3) Appeals of the decision of the Administrative Hearing Officer. Appeals of the decision of the Administrative Hearing Officer shall be as provided by state law.

(Ord. of 12-5-91 § 1(VI); Ord. of 12-5-2000, § 1; Ord. of 3-6-2007, § 1)

Sec. 8-2-7. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. of 12-5-91 § 1(VII); Ord. of 3-6-2007, § 1)

Sec. 8-2-8. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of an offense and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be deemed a separate offense.

(Ord. of 12-5-91 § 1(VIII); Ord. of 9-7-93, § 1; Ord. of 3-6-2007, § 1)

Sec. 8-2-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasion. Flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This chapter shall not imply that areas outside the floodplain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of Athens-Clarke County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. of 12-5-91 § 1(IX); Ord. of 3-6-2007, § 1)

Sec. 8-2-10. Definitions of terms.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular shall include the plural, and the plural and the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

Accessory structure: means a structure having minimal value and used for parking, storage, and other non-habitable uses, such as garages, carports, storage sheds, pole barns, or hay sheds.

Appeal: A request for a review of the chief building official's interpretation of any provision of this chapter or a request for a variance by the Hearings Board.

Area of shallow flooding: means a designated AO or AH zone on a community's Flood Insurance Rate Map with base flood elevations from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain subject to one percent or greater chance of flooding in any given year (also known as the 100-year floodplain). Areas of Special Flood Hazard include those areas officially designated as such by the Federal Emergency Management Agency, and those areas designated by the Unified Government of Athens-Clarke County through engineering analysis and scientific study as areas of Special Flood Hazard. For purposes of this chapter the term "special flood hazard area(s)" is synonymous in meaning with the phrase "Area(s) of Special Flood Hazard."

Athens-Clarke County Hearings Board; A board that has been established by the zoning ordinance to hear requests for variances, as defined in this chapter.

Base flood: means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood level or elevation: ~~The maximum stage of elevation reached by waters of the base flood at a given location~~ The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: means any area of the building having its floor subgrade (below ground level) on all sides.

Building: see definition for structure.

Chief building official: The director of the building inspection department or his designee for the Unified Government of Athens-Clarke County.

Critical Facility: means any public or private facility, which if flooded, would create an added dimension to a disaster or would increase the hazard to life and health. Critical Facilities include:

(1) Structures or facilities that produce, use, or store highly volatile, flammable explosive, toxic, or water reactive materials;

(2) Hospitals or nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

(3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and

(4) Generating plants and other principal points of utility lines.

Developer: Any person who acts in his own behalf or as an agent of an owner of property and engaged in alteration of land or vegetation in preparation for construction activity.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. ~~which alters the elevation or contour of a site or which establishes a structure not previously existing or the exterior configuration of an existing structure or both.~~

Development permit: A permit issued by the building inspection department for development after all of the requirements of this chapter have been satisfied.

Existing construction: means for the purposes of determining rates, structures for which the ”start of construction” commenced before December 15, 1978. “Existing construction” may also be referred to as “existing structures.”

Existing manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at

a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1992.

Expansion to an existing manufactured home park or subdivision: means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any sources.

Flood Insurance Rate Map (FIRM): An official map of Athens-Clarke County on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

Flood Insurance Study: means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Floodplain administrator: The Director of the Department of Transportation and Public Works or his designee for the Unified Government of Athens-Clarke County.

Floodplain or *flood-prone area:* Means any land area susceptible to flooding.

Flood-proofed or flood-proofing: Means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the flood levels which are identified on the flood boundary maps as part of the flood insurance study.

Highest Adjacent Grade: means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure: means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

   a. By an approved state program as determined by the Secretary of Interior, or

   b. Directly by the Secretary of Interior in states without approved state programs.

Lowest Floor: The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a

basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable requirements of this chapter.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For the purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD): As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction: means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after December 15, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced after March 1, 1992 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision: means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed on or after March 1, 1992.

Owner: The person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under his lease for the maintenance of the property and any agent of the owner or tenant including a developer.

Recreational vehicle: means a vehicle which is:

(a) Built on a single chasis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Site development plan: The plan required to acquire a development, construction or building permit which shows the means by which the developer will conform with applicable provisions of this chapter and other applicable ordinances.

Start of construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways or the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure: A walled or roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage: means damage of any origin sustained by a structure whereby the cost of restoring the structure to the structure's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any repair, reconstruction or improvement of an existing structure the cost of which equals or exceeds 50 percent of the market value of the existing structure either before the improvement of repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specification which are solely necessary to assure safe living condition or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance: A grant of relief to a person from specific requirements of this chapter after a hearing by the Hearings Board.

(Ord. of 12-5-91, § 1(App. A); Ord. of 12-5-2000, § 1; Ord. of 3-6-2007, § 1)

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **THE MAINTENANCE AND REPORTING OF RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS IN CHAPTER 3-7.; TO PROVIDE FOR AN EFFECTIVE DATE;** AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Commission of The Unified Government of Athens-Clarke County, Georgia are charged with the protection of the public health, safety, and welfare of the citizens of Athens-Clarke County; and

WHEREAS, the Unified Government of Athens-Clarke County desires to contract with a third-party inspection reporting system to provide a service to all commercial occupancies in Athens-Clarke County to collect, organize and store all code-required third-party inspections, testing and maintenance records (the "Software"); and

WHEREAS, the Unified Government of Athens-Clarke County shall retain all rights and access to the data collected by the Software; and

WHEREAS, the Unified Government of Athens-Clarke County desires to use the Software to improve efficiencies and the volume of fire and life safety inspections through time savings of staff; and

WHEREAS, the utilization of the Software will enhance fire code compliance.

NOW THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains and orders that the Code of Athens-Clarke County is hereby amended by adding a section to be numbered 3-7-10, which section reads as follows:

"Sec. 3-7-10 Maintenance and Reporting of Records for Fire and Life Safety Systems

(a) Records of all fire and life safety system inspections, tests and required maintenance conducted at the prescribed intervals in the current governing fire codes (Official Code of Georgia Annotated 120-3-3, International Fire Code and National Fire Protection Association standards) shall be maintained on the premises of the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection for the following fire and life safety systems:

1) Automatic fire sprinkler system(s)
2) Fire alarm system(s)
3) Commercial hood cleaning
4) Commercial hood suppression system(s)
5) Standpipe system(s)
6) Smoke control system(s)
7) Private hydrant system(s)
8) Fire pump(s)
9) Spray paint booth(s)
10) Emergency generator(s)

11) Clean agent suppression system(s)

(b) Records, inspection reports and a code compliance certificate prepared by the Unified Government of Athens-Clarke County approved third-party certified building inspectors shall be maintained on the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection.

(c) Copies of all records, inspection reports and code compliance certificates shall be provided to Unified Government of Athens-Clarke County at no cost through a third-party inspection reporting system of the Unified Government of Athens-Clarke County Government's choosing.

(d) The designated third-party inspection reporting system shall charge commercial occupancies a fee of not more than twenty dollars ($20.00) per system, per annum.

(e) This requirement and the conditions of this section shall apply to all commercial facilities, complexes of buildings, including without limitation to all multi-family dwellings."

SECTION 2. It is the intention of the Unified Government of Athens-Clarke County and IT IS HEREBY ORDAINED by the authority of the Mayor and Commission that the provisions of this ordinance shall become and made a part of the Code of Athens-Clarke County, Georgia; and the codifier is authorized to make the specified addition to the section where appropriate.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared as the intent of Athens-Clarke County Unified Government that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

SO ORDERED this _____ day of _____, 20_____ by the Mayor and Commission of Athens-Clarke County, Georgia.

APPROVED: _____ ATTEST: _____

Mayor Deputy Clerk of Commission

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Compliance Engine Fire & Life Safety System

DATE: April 26, 2022

REVENUES: $0

EXPENSES: $0
ANNUAL:
CAPITAL:
OTHER:

FUNDING SOURCE: NA

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Approve an ordinance **(Attachment #1)** and agreement for maintenance and reporting of records through the Compliance Engine for fire and life safety systems in Athens-Clarke County **(Attachment #2)**; and
b. Authorize the Mayor and appropriate staff to execute all necessary documents.

HISTORY:

1. In calendar year 2021, the Community Risk Reduction Division of ACCGov Fire & Emergency Services (ACCFES) was responsible for over 4,000 fire and life safety inspections according to ACCGov Finance Department business license data. Community Risk Reduction is responsible for performing annual fire inspections for all businesses in Athens-Clarke County. The annual inspection includes sprinkler systems, alarm systems, hood suppression systems as well as all egress components.

2. In 2021, the Community Risk Reduction Division performed 1,878 of the 4,000 annual inspections as required by the Insurance Services Office (ISO), with a total of 1,540 violations (**Attachment #3**).

3. In 2021, Athens-Clarke County experienced 851 false alarms (**Attachment #3**).

4. In 2021, ACCFES started researching reporting systems for Fire & Life Safety compliance. The Compliance Engine was determined to be the one that would most meet ACCFES needs due to several factors including:

a. No cost for ACCGov
b. Compliance Engine's ease of use for both service providers and ACCFES

FACTS & ISSUES:

1. As Athens-Clarke County continues to grow, current staffing challenges make it more difficult to meet ISO requirements for annual life safety inspections. Some of the current challenges ACCFES Community Risk Reduction faces are:
    - Many fire and life safety systems are not tested or properly maintained;
    - Community Risk Reduction Division does not have the time and resources to inspect all buildings annually; and
    - Limited staff completing inspections and continuous growth in the community.

2. The goals of the Community Risk Reduction Division of the Fire Department are diverse and include services related to fire & life safety inspections, plans review, all hazards safety education, and fire cause investigation. Some of those goals include:
    - Ensuring all fire protections systems are working properly;
    - Reducing the number of false alarms;
    - Building a complete database of fire protection systems in ACC; and
    - Gaining complete compliance of life safety systems to promote a safe & vibrant community.

3. The Compliance Engine is a simple, specific web-based service product for fire and life safety code officials to track and oversee code compliance through inspection, testing and maintenance records. The system addresses fire protection systems, backflow and elevators and is designed to reduce false alarm activity. It helps ensure a safer community through third party inspection reporting and maintenance.

4. The Compliance Engine provides a secure, cloud-based environment in which third party contractors who inspect, test and maintain fire protection systems submit their reports to ACCGov Fire & Emergency Services Community Risk Reduction Division. This process provides an efficient way to review, track, and conduct a follow up process to ensure code deficiencies are corrected and fire and life safety systems are properly maintained.

5. ACCGov IT has reviewed the Compliance Engine to ensure it will integrate into current systems. Information collected from the Compliance Engine can be uploaded into Clariti, the software system utilized for development review.

6. ACCGov will not be responsible for paying fees for the use of the Compliance Engine System reporting. All fees are due and payable by third party inspectors. The purchasing ordinance provides guidance and requirements for ACCGov departments and divisions to expend funds. Since there is no cost to ACCGov for the use of the Compliance Engine software subscription, there are no procurement actions required for this transaction.

7. ACCGov will own the data provided by the client and received from third party contractors. The Compliance Engine shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of the client's data.

8. The 2018 International Fire Code adopted by ACCGov allows for this type of record keeping requirement in section 108.3 (**Attachment #4**).

9. The purpose of the Compliance Engine is to achieve one hundred percent (100%) compliance with fire and life safety systems in Athens-Clarke County. After accumulating information from other agencies that use the Compliance Engine it was decided that it best meets ACCGov's needs at no cost. Please See **Attachment #5** for testimonials from the City of Alpharetta, the City of Sandy Springs and the City of John's Creek.

10. The Community Risk Reduction Division currently has two full time Fire and Life Safety Inspectors and three shift personnel helping out on a part time basis. Current staff has been unable to keep up with the number of inspections needed including follow up inspections for Athens-Clarke County. The Compliance Engine eliminates re-inspections and identifies life safety compliance issues in a timelier manner.

11. Current users of the Compliance Engine system in Georgia include:
    a. Alpharetta Department of Public Safety;
    b. Brookhaven Community Development;
    c. College Park Fire Department;
    d. Decatur Fire Department;
    e. Fayette County Department of Fire & Emergency Services;
    f. Forest Park Fire Department;
    g. Garden City Fire Department;
    h. Johns Creek Fire Department;
    i. Monroe Fire Department;
    j. Monroe County Emergency Services;
    k. Lagrange Fire Department;
    l. Peachtree City Fire & Rescue;
    m. Sandy Springs Fire Department; and
    n. Smyrna Fire Department.

12. The implementation timeline is projected to be six to eight weeks to be operational.

13. This recommendation supports the following ACCGov Strategic Plan Goals & Strategies:
    - Good Neighbors, Strategy C: *Decrease crime and keep residents safe through "community-centric" services.*
    - Organizational Improvement, Strategy C: *Improve programs, processes, policies and communication external and internal, assess how resources are allocated to meet existing and future needs for better service delivery and what we deliver.*

OPTIONS:

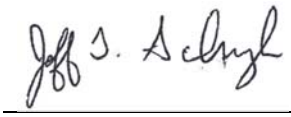
1. Mayor & Commission:
    a. Approve an ordinance **(Attachment #1)** and agreement for maintenance and reporting of records through the Compliance Engine for fire and life safety systems in Athens-Clarke County **(Attachment #2)**; and
    b. Authorize the Mayor and appropriate staff to execute all necessary documents.

2. Mayor & Commission do not approve the use of the Compliance Engine Fire & Life Safety Systems.

3. Mayor & Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1 a & b

DEPARTMENT: Fire & Emergency Services
Prepared by: Kathy Wood, Administrative Assistant II



April 26, 2022

Jeff Scarbrough
Chief of Fire & Emergency Services

Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a & b





August 10, 2022

Manager

Date:

ATTACHMENTS:

Attachment #1 - Ordinance - Maintenance and reporting of records for fire & life safety systems
Attachment #2 - Agreement - The Compliance Engine
Attachment #3 - Fire inspection totals with violations
Attachment #4 - International Fire Code Section 108.3 Recordkeeping
Attachment #5 - Testimonials

BRYCER, LLC
4355 Weaver Parkway
Suite 230
Warrenville, IL 60555

_____, 2021

_____
_____
_____

Re: "The Compliance Engine"

Dear:

We look forward to providing you with "The Compliance Engine" (the "Solution"). This proposal letter provides the basic terms by which Brycer, LLC ("Brycer") will provide you, _____ ("Client"), with the Solution. The use of the Solution and all matters between Brycer and Client will be subject to the standard "Terms and Conditions" attached to this proposal as Exhibit A. The basic terms are as follows:

1. **Term**: Brycer will provide Client with the Solution for three years, commencing _____, 2021 (the "Initial Term"). Thereafter, the Term shall automatically renew for successive three year periods unless terminated by Brycer or Client in writing at least 90 days prior to the expiration of the then current Term (each, a "Renewal Term" and together with the Initial Term, the "Term"). Following the expiration or termination of the Term (as provided in the Terms and Conditions), Client shall stop using the Solution; provided, however, Brycer shall make available, and Client shall have the right to download, Client's data from the Solution for a period of 60 days after the expiration or termination of the Term. Client shall have the right to terminate this agreement upon giving 90 days written notice to Brycer.

2. **Fees**: Client shall not pay any fees for use of the Solution. Brycer will collect all fees due and payable by third party inspectors in connection with activities relating to the Solution.

3. **Brycer Responsibilities**: During the Term, Brycer shall be responsible for the following in connection with Client's use of the Solution:

- ***Availability***. Brycer shall make the Solution available to Client as set forth on Exhibit B. The maintenance schedule and minimum service levels for the Solution are set forth on Exhibit B.
- ***Service Level***. Brycer shall provide commercially reasonable levels of customer service with respect to the Solution to all third parties who transact business with Client and access the Solution.
- ***Backup***. Brycer shall backup the database used in connection with the Solution to a separate server located within the same web hosting firm which the Solution is being hosted on a real time basis. Upon request by Client (which can be no more than once a month) or made prior to or within 60 days after the effective date of termination of the Term, Brycer will make available to Client a complete and secure (i.e. encrypted and appropriately authenticated) download file of Client data in XML format including all schema and attachments in their native format. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and

integrity of Client data. Brycer shall not (a) modify Client data or (b) disclose Client data except as required by law.

- ***Retention of Information***. Brycer will maintain all information entered into the database by third party inspectors for at least five years from the time such information is entered into the database.
- ***Notices***. Brycer will be responsible for generating and delivering the following notices to third parties in connection with the Solution: (a) reminders of upcoming inspections that are due; (b) notices that an inspection is past due; and (c) notices of completed inspection reports which contain one or more deficiencies.
- ***Call Center*** Phone calls by Brycer on behalf of the Client to the property for EACH life-safety system overdue for service based on dates automatically tracked within the TCE database. Brycer is not an agent of the Client and all scripts for the overdue calls will be approved by the Client.
- ***Updates and Enhancements***. In the event Brycer releases any updates, corrections, or enhancements to the Solution during the Term, Brycer shall promptly provide such updates or corrections to Client free of any charge or fee.

4. **Client Responsibilities**: During the Term, Client shall be responsible for the following in connection with Client's use of the Solution:

- ***Operating System***. Client shall be solely responsible for providing a proper operating environment, including computer hardware or other equipment and software, for any portion of the Solution installed on the Client's equipment (the "Client Access Software") and for the installation of network connections to the Internet. In addition to any other Client Access Software requirements, Client must use version Edge, Firefox version 76, Chrome 60 or Safari (or more recent versions), in addition to having a .pdf reader installed on machines to view attachments.
- ***Training***. Client shall allow Brycer at Client's facilities to train all applicable personnel of Client on the use of the Solution.
- ***Information***. Client shall promptly provide Brycer with all appropriate information necessary for Brycer to create the database for the Solution, including without limitation: (a) all commercial building addresses within **[jurisdiction]** for Brycer's initial upload; and (b) quarterly updates to in a format acceptable to Brycer in its discretion.
- ***Enforcement***. Client shall take all actions necessary to require (e.g. resolution, ordinance, fire policy, code amendment) the use of the Solution by third party inspection companies.
- ***Reports***. Client will require all compliant and deficient test results to be submitted.

5. **Ownership of Data**. Client owns all the data provided by Client and received from third party contractors for Client. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client's data.

Please acknowledge your acceptance of this proposal and our standard Terms and Conditions by counter-signing this proposal below. We look forward to a long-term and mutually beneficial relationship with you.

Brycer, LLC

By: _____
Its: _____

Acknowledged and Agreed to this
___ day of _____, 20____:

[CLIENT]

By: _____
Its: _____

Exhibit A

Terms and Conditions

Any capitalized terms not defined in these Terms and Conditions shall have the meaning assigned to it in that certain Letter Agreement attached hereto by and between Brycer, LLC and Client (the "Agreement).

1. Restrictions on Use. Client shall not copy, distribute, create derivative works of or modify the Solution in any way. Client agrees that: (a) it shall only permit its officers and employees (collectively, the "Authorized Users") to use the Solution for the benefit of Client; (b) it shall use commercially reasonable efforts to prevent the unauthorized use or disclosure of the Solution; (c) it shall not sell, resell, rent or lease the Solution; (d) it shall not use the Solution to store or transmit infringing or otherwise unlawful or tortious material, or to store or transmit material in violation of third party rights; (e) it shall not interfere with or disrupt the integrity or performance of the Solution or third-party data contained therein; (f) it shall not reverse engineer, translate, disassemble, decompile or otherwise attempt to create any source code which is derived from the Solution (g) it shall not permit anyone other than the Authorized Users to view or use the Solution and any screen shots of the Solution and (h) it shall not disclose the features of the Solution to anyone other than the Authorized Users. Client is responsible for all actions taken by the Authorized Users in connection with the Solution.

2. Proprietary Rights. All right, title and interest in and to the Solution, the features of the Solution and images of the Solution as well any and all derivative works or modifications thereof (the "Derivative Works"), and any accompanying documentation, manuals or other materials used or supplied under this Agreement or with respect to the Solution or Derivative Works (the "Documentation"), and any reproductions works made thereof, remain with Brycer. Client shall not remove any product identification or notices of such proprietary rights from the Solution. Client acknowledges and agrees that, except for the limited use rights established hereunder, Client has no right, title or interest in the Solution, the Derivative Works or the Documentation.

3. Independent Contractor. Nothing in the Agreement may be construed or interpreted as constituting either party hereto as the agent, principal, employee or joint venturer of the other. Each of Client and Brycer is an independent contractor. Neither may assume, either directly or indirectly, any liability of or for the other party. Neither party has the authority to bind or obligate the other party and neither party may represent that it has such authority.

4. Reservation of Rights. Brycer reserves the right, in its sole discretion and with prior notice to Client, to discontinue, add, adapt, or otherwise modify any design or specification of the Solution and/or Brycer's policies, procedures, and requirements specified or related hereto. All rights not expressly granted to Client are reserved to Brycer, including the right to provide all or any part of the Solution to other parties.

5. Use of Logos. During the term of this Agreement, Brycer shall have the right to use Client's logos for the purpose of providing the Solution to Client.

6. Confidential Information. Brycer and Client acknowledge and agree that in providing the Solution, Brycer and Client, as the case may be, may disclose to the other party certain confidential, proprietary trade secret information ("Confidential Information"). Confidential Information may include, but is not limited to, the Solution, computer programs, flowcharts, diagrams, manuals, schematics, development tools, specifications, design documents, marketing information, financial information or business plans. Each party agrees that it will not, without the express prior written consent of the other party, disclose any Confidential Information or any part thereof to any third party. Notwithstanding the foregoing, the parties acknowledge that Client and Brycer shall be permitted to comply with any all federal and state laws concerning disclosure provided that any such required disclosure will not include any of Brycer's screen shots. The disclosing party shall provide prior written notice of any required disclosure of the nondisclosing party's Confidential Information to the nondisclosing party and shall disclose only the information that is required to be disclosed by law. In the event that Client requests from Brycer any reports or other information for purposes of complying with federal and state disclosure laws, Brycer shall provide such information within five business day following such request. Confidential Information excludes information: (a) that is or becomes generally available to the public through no fault of the receiving party; (b) that is rightfully received by the receiving party from a third party without limitation as to its use; or (c) that is independently developed by receiving party without use of any Confidential Information. At the termination of this Agreement, each party will return the other party all Confidential Information of the other party. Each party also agrees that it shall not duplicate, translate, modify, copy, printout, disassemble, decompile or otherwise tamper with any Confidential Information of the other party or any firmware, circuit board or software provided therewith.

7. Brycer Warranty. Brycer represents and warrants to Client that Brycer has all rights necessary in and to any patent, copyright, trademark, service mark or other intellectual property right used in, or associated with, the Solution, and that Brycer is duly authorized to enter into this Agreement and provide the Solution to Client pursuant to this Agreement.

8. Disclaimer. All information entered into Brycer's database is produced by third party inspectors and their agents. **THEREFORE, BRYCER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION ENTERED INTO BRYCER'S DATABASE BY EITHER CLIENT OR THIRD PARTY INSPECTORS. EXCEPT AS SET FORTH IN SECTION 7, BRYCER MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SOLUTION OR ANY OTHER INFORMATION AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. BRYCER'S SOLE LIABILITY FOR BREACH OF THE REPRESENTATION AND WARRANTY SET FORTH IN SECTION 7, AND CLIENT'S SOLE REMEDY, SHALL BE THAT BRYCER SHALL INDEMNIFY AND HOLD RECIPIENT HARMLESS FROM AND AGAINST ANY LOSS, SUIT, DAMAGE, CLAIM OR DEFENSE ARISING OUT OF BREACH OF THE REPRESENTATION AND WARRANTY.**

9. **LIMITATION ON DAMAGES. BRYCER SHALL ONLY BE LIABLE TO CLIENT FOR DIRECT DAMAGES PURSUANT TO THE AGREEMENT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IN NO EVENT SHALL BRYCER BE LIABLE FOR OR OBLIGATED IN ANY MANNER FOR SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFITS OR SYSTEM DOWNTIME. CLIENT ACKNOWLEDGES AND AGREES THAT IN NO CASE SHALL BRYCER 'S LIABILITY FOR ANY LOSS OF DATA OR DATA INTEGRITY EXCEED THE REPLACEMENT COST OF THE MEDIA ON WHICH THE DATA WAS STORED.**

10. Risks Inherent to Internet. Client acknowledges that: (a) the Internet is a worldwide network of computers, (b) communication on the Internet may not be secure, (c) the Internet is beyond the control of Brycer, and (d) Brycer does not own, operate or manage the Internet. Client also acknowledges that there are inherent risks associated with using the Solution, including but not limited to the risk of breach of security, the risk of exposure to computer viruses and the risk of interception, distortion, or loss of communications. Client assumes these risks knowingly and voluntarily releases Brycer from all liability from all

such risks. Not in limitation of the foregoing, Client hereby assumes the risk, and Brycer shall have no responsibility or liability of any kind hereunder, for: (1) errors in the Solution resulting from misuse, negligence, revision, modification, or improper use of all or any part of the Solution by any entity other than Brycer or its authorized representatives; (2) any version of the Solution other than the then-current unmodified version provided to Client; (3) Client's failure to timely or correctly install any updates to the Client Access Software; (4) problems caused by connecting or failure to connect to the Internet; (5) failure to provide and maintain the technical and connectivity configurations for the use and operation of the Solution that meet Brycer's recommended requirements; (6) nonconformities resulting from or problems to or caused by non-Brycer products or services; or (7) data or data input, output, accuracy, and suitability, which shall be deemed under Client's exclusive control.

11. Indemnity. Brycer (the "Indemnifying Party") will defend and indemnify Client against any damages, losses, liabilities, causes of action, costs or expenses arising from Brycer's breach of this Agreement, gross negligence or intentional misconduct. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees) arising from Client's breach of this Agreement, gross negligence or intentional misconduct. Client acknowledges that Brycer does not create any of the data and information included in the Solution and is not responsible for and does not assess or make any suggestions or recommendations with respect to any such data or information. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees), claims, demands, suits or proceedings made or brought against Brycer by a third party in connection with Client's or an Authorized User's use of the Solution, or any action or inaction taken by a third party, including, but not limited to, third party inspectors, in connection with such third party providing services for Client or otherwise at Client's or an Authorized User's request or direction.

12. Breach. Brycer shall have the right to terminate or suspend this Agreement, and all of Client's rights hereunder, immediately upon delivering written notice to Client detailing Client's breach of any provision of this Agreement. If Client cures such breach within 5 days of receiving written notice thereof, Brycer shall restore the Solution and Client shall pay any fees or costs incurred by Brycer in connection with the restoration of the Solution.

13. Illegal Payments. Client acknowledges and agrees that it has not received or been offered any illegal or improper bribe, kickback, payment, gift or anything of value from any employee or agent of Brycer in connection with the Agreement.

14. Beneficiaries. There are no third party beneficiaries to the Agreement.

15. Force Majeure. Neither party shall be responsible for any failure to perform due to unforeseen, non-commercial circumstances beyond its reasonable control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, earthquakes, blackouts, accidents, or strikes. In the event of any such delay, any applicable period of time for action by said party may be deferred for a period of time equal to the time of such delay, except that a party's failure to make any payment when due hereunder shall not be so excused.

16. Notices. All notices required in the Agreement shall be effective: (a) if given personally, upon receipt; (b) if given by facsimile or electronic mail, when such notice is transmitted and confirmation of receipt obtained; (c) if mailed by certified mail, postage prepaid, to the last known address of each party, three business days after mailing; or (d) if delivered to a nationally recognized overnight courier service, one business day after delivery.

17. JURISDICTION AND VENUE. THE AGREEMENT SHALL BE GOVERNED BY, CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, AND ENFORCEABLE UNDER, THE LAWS OF THE STATE IN WHICH CLIENT EXISTS APPLICABLE TO CONTRACTS MADE IN SUCH STATE AND THAT ARE TO BE WHOLLY PERFORMED IN SUCH STATE WITHOUT REFERENCE TO THE CHOICE-OF-LAW PRINCIPLES OF SUCH STATE. THE PARTIES IRREVOCABLY AGREE THAT ALL ACTIONS OR PROCEEDINGS IN ANY WAY, MANNER OR RESPECT ARISING OUT OF OR FROM OR RELATED TO THE AGREEMENT SHALL BE LITIGATED ONLY IN COURTS LOCATED WITHIN THE STATE IN WHICH CLIENT EXISTS. THE PARTIES HEREBY CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN SAID STATE. THE PARTIES HEREBY WAIVE ANY RIGHTS THEY MAY HAVE TO TRANSFER OR CHANGE VENUE OF ANY SUCH ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT. THE PARTIES WAIVE ANY RIGHT TO TRIAL BY JURY ON ANY ACTION OR PROCEEDING TO ENFORCE OR DEFEND ANY RIGHTS UNDER THE AGREEMENT, AND AGREE THAT ANY SUCH ACTION OR PROCEEDING SHALL BE TRIED BEFORE A COURT AND NOT BEFORE A JURY.

18. Attorneys' Fees. The prevailing party in any proceeding in connection with the Agreement shall be entitled to recover from the non-prevailing party all costs and expenses, including without limitation, reasonable attorneys' and paralegals' fees and costs incurred by such party in connection with any such proceeding.

19. Entire Agreement. The Agreement sets out the entire agreement between the parties relative to the subject matter hereof and supersedes all prior or contemporaneous agreements or representations, oral or written.

20. Amendment. The Agreement may not be altered or modified, except by written amendment which expressly refers to the Agreement and which is duly executed by authorized representatives of both parties. The waiver or failure by either party to exercise or enforce any right provided for in the Agreement shall not be deemed a waiver of any further right under the Agreement. Any provision of the Agreement held to be invalid under applicable law shall not render the Agreement invalid as a whole, and in such an event, such provision shall be interpreted so as to best accomplish the intent of the parties within the limits of applicable law. The Agreement may be executed by facsimile and in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.

21. Expiration. The rights and obligations contained in these Terms and Conditions shall survive any expiration or termination of the Agreement.

Exhibit B

Maintenance Schedule and Minimum Service Levels

1. **Uptime and Maintenance**.

The Solution shall be available 24 hours per day during the term of this Agreement. The Solution shall be fully functional, timely and accessible by Client at least 99.5% of the time or better and Brycer shall use reasonable efforts to provide Client with advance notice of any unscheduled downtime.

2. **Response Time**.

Brycer shall respond to telephone calls from Client within two hours of the call and/or message and all emails from Client within two hours of the receipt of the email.

3. **Customer Support**

Customer support hours are 24/7/365. The toll free number is 1-855-279-2371

Brycer will assign client a dedicated customer representative with direct access to their email and work number.

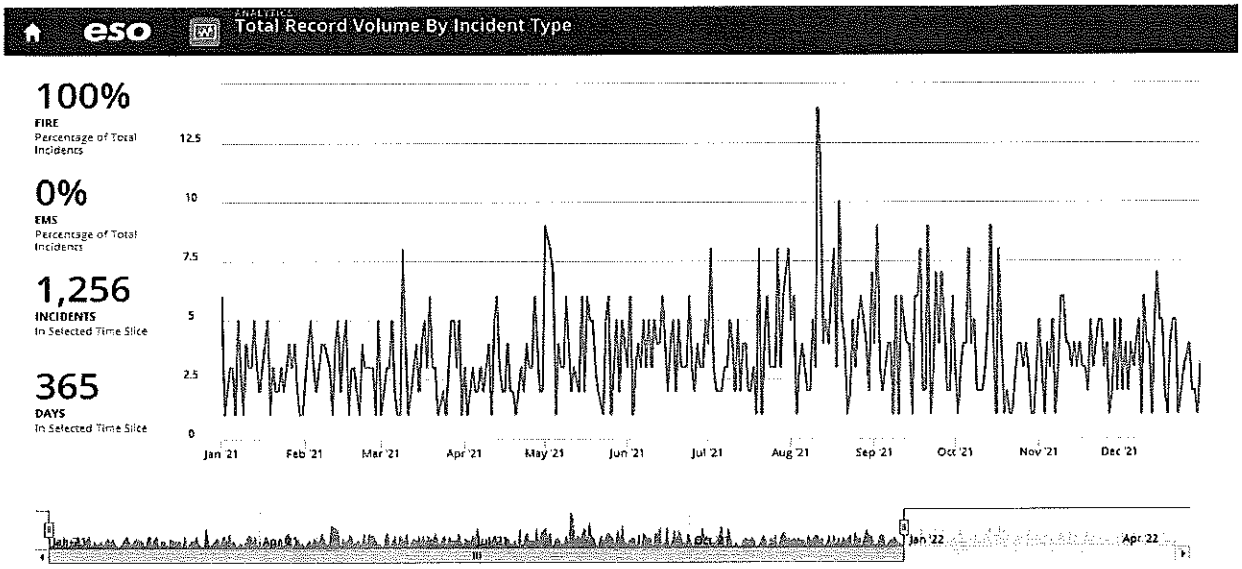
Inspection Totals with Violations

Calendar Yr *2021*

Count of Fire Code Set Name	Calendar Qt	Month			
	1st Qtr	**2nd Qtr.**	**3rd Qtr.**	**4th Qtr.**	**Grand Total**
Fire Code Set Name					
2018 IFC Codes	437	269	346	216	1268
ACC Codes	3		11	2	16
IFC 2018	18	10	17	10	55
Migrated VIOLATION	3	3			6
NFPA 101 Life Safety Code 2018	66	33	47	47	193
Pre-Fire Plan	1		1		2
Grand Total	**528**	**315**	**422**	**275**	**1540**
Calendar Yr	2021				

**Per ISO requirements Athens-Clarke County Community Risk Reduction is responsible for performing life safety inspections on all businesses in Athens-Clarke County. Per Finance there is approximately 4,000 businesses in Athens-Clarke County. In 2021 due to the pandemic and staffing shortages Community Risk Reduction only performed a total of 2,021 life safety inspections.

False Alarms 1/1/2021 - 12/31/2021



Counts

	Jan '21	Feb '21	Mar '21	Apr '21	May '21	Jun '21	Jul '21	Aug '21	Sep '21	Oct '21	Nov '21	Dec '21	Jan '22	Total
(73) System or detector malfunction	32	20	18	14	29	28	37	40	32	18	23	25		316
(74) Unintentional system/detector operation (no fire)	56	58	71	61	84	84	84	109	95	80	83	75		940
Total	88	78	89	75	113	112	121	149	127	98	106	100		1,256

[A] 108.3 Recordkeeping. A record of periodic inspections, test, servicing and other operations and maintenance shall be maintained on the premises or other *approved* location for not less than 3 years, or a different period of time where specified in this code or referenced standards. Records shall be made available for inspection by the *fire code official*, and a copy of the records shall be provided to the *fire code official* on request.

The *fire code official* is authorized to prescribe the form and format of such recordkeeping. The *fire code official* is authorized to require that certain required records be filed with the *fire code official.*

2018 International Fire Code

THE CITY OF
ALPHARETTA
GEORGIA

2 PARK PLAZA
ALPHARETTA, GA 30009
PHONE: 678.297.6000
WWW.ALPHARETTA.GA.US

February 25, 2021

George Mantas
The Compliance Engine
4355 Weaver Parkway, Suite 230
Warrenville, Illinois 60555

Dear Mr. Mantas:

The Brycer Team was extremely helpful with all aspects of implementing The Compliance Engine "TCE". This program has been a great success, with increased life safety system compliance and a decrease in man hours worked trying to retrieve life safety reports. Prior to utilizing this program, it could take months to receive reports or to receive a notification of a system out of service. Now with this web-based program we have the ability to review the status of all life safety systems from the convenience of our desk. Also, our Inspectors can review all of the life safety reports prior to arriving on site for the building inspection. This can better prepare the Inspector for the upcoming inspection, and facilitate a plan of action to have the repairs completed in a timely manner.

Our goal here in the City of Alpharetta, is to make the community a safe place to live, work and play. We appreciate the partnership with TCE, and we are confident that this alliance will assist us in achieving our goals!

Respectfully,

Casey Beynon
Capt./DFM

MAYOR
JIM GILVIN

MAYOR PRO TEM
DONALD F. MITCHELL

COUNCIL MEMBERS
JASON BINDER
BEN BURNETT
JOHN HIPES
DAN MERKEL
KAREN RICHARD

CITY ADMINISTRATOR
ROBERT J. REGUS

Johns Creek
GEORGIA

April 9, 2021

The Compliance Engine,

I wanted to send you a note letting you know how much I appreciate the service and support that your team has provided with our implementation of TCE. For over three years I have used TCE from the contractor's side when conducting multi - family residential property inspections for a neighboring jurisdiction and the reporting software was great improvement from the process that was being used in previous years.

As you know, I also utilize TCE as an AHJ, and implementing this program has been one of the best decisions in the past year that we made. Working in a limited Fire Marshal's office comes with a great deal of challenges including having more responsibilities with less manpower to complete them. Having TCE on board is like having an additional assistant that tracks all of our business requirements which allows my office, as well as the fire crews, to complete other tasks ultimately making our city a safer place for our citizens. In the short amount of time that we have been utilizing TCE I have had businesses that have historically been difficult to access and comply with code requirements become compliant within just a few weeks. Being able to view the actual reports from the contractors is another huge bonus for us and assists us in not spending extra man hours attempting to receive reports from the often rotating property managers.

For me, having the advantage of using TCE from the contractor and the AHJ side has made both of my jobs incredibly more efficient and the great, personal, service that I have received from Lee has been unbeatable. I only wish that we had found out about this service sooner!

Thanks again for all that you guys do and I look forward to many years of our partnership in providing a safer community for our city!

Sincerely,

Jeff Williamson, Fire Marshal,

City of Johns Creek, Georgia.

City of Sandy Springs Fire Department

Fire Marshal's Office

May 7, 2020

RE: The Compliance Engine

The Sandy Springs Fire Department began using The Compliance Engine (TCE) by Brycer in February of 2019. Since that time, we have found it to be a helpful tool when checking on the status of fire and life safety systems within our jurisdiction. The Brycer team worked with us early-on to set-up our database of occupancies and their fire protection systems. On more than one occasion TCE program alerted us to fire systems that were out of service. This allowed us to take prompt action implementing fire watches and ensuring necessary repairs happen.

One thing that stood out was Brycer's willingness and ability to design a custom form and submission for our department. We require all multi-family residential facilities in the city to conduct annual third-party inspections on individual apartments (27,000+ of them). This is to check their smoke alarms, dryer vent cleaning and other fire safety items. Brycer took a copy of the form and developed a TCE version of it to allow for submission of these reports.

Customer service is critical with any business. The individuals at TCE are always quick to answer and resolve any issues that arise. Their ability to work through problems, having a system that is easy to navigate, and working with us to develop custom reports has made our experience using their system second to none. The benefits and time saved using this program have made our inspection division more efficient and productive. We have better knowledge and documentation of our occupancies. All that . . . and at "no cost" to the AHJ. Our Fire Marshal's Office highly recommends TCE.

Regards,

Capt. Jesse Bernard, MSM, FM, IAAI-FIT
Deputy Fire Marshal
(770) 206-4360
jbernard@sandyspringsga.gov

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE FEDERAL JUSTICE ASSISTANCE GRANT PROGRAM FOR LAW ENFORCEMENT EQUIPMENT; 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 Federal Justice Assistance Grant Program for law enforcement equipment. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:
Increase:
Federal Justice Assistance Grant $67,779

Expenditures:
Increase:
Police Department – Operating Expenses $67,779

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

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Application

DATE: July 25, 2022

BUDGET INFORMATION:

REVENUES: $67,779

EXPENSES:
ANNUAL:
CAPITAL:
OTHER: $67,779

FUNDING SOURCE:
U.S. Department of Justice / Office of Justice Programs

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:
To request that the Mayor and Commission:

a) Approve the submission of an application **(Attachment #1)** by the Athens-Clarke County Police Department (ACCPD) for the 2022 Byrne Justice Assistance Grant (JAG);
b) Accept the grant funds, if awarded;
c) Adopt the attached budget amendment ordinance **(Attachment #2)**; and
d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

HISTORY:

1. Since 1996, the ACCPD has received Local Law Enforcement Block Grant (LLEBG) awards to reduce crime and improve public safety. The LLEBG program was an annual, direct allocation to local jurisdictions based on their immediate past three-year crime rate and other factors.

2. In Federal FY05, Congress and the Bush administration combined the LLEBG with the Edward Byrne Memorial Grant Program to create the Justice Assistance Grant (JAG) program.

3. On June 22, 2022, the U.S. Department of Justice / Office of Justice Programs released its solicitation for 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) local grant applications with an application deadline of August 8, 2022.

FACTS & ISSUES:

1. As a result of past LLEBG awards, the ACCPD obtained needed equipment and tactical supplies such as: fingerprint kits; Alco-Sensors; bicycles; flashlights; radar units; shotguns; shotgun racks; in-car video systems; photography and video equipment; and SRT tactical equipment. ACCPD also hired a crime analyst and a quality control technician with LLEBG awards.

2. Under the statutory provisions of the JAG Program, only one award will be available to the Unified Government of Athens-Clarke County, Georgia (ACCGov).

3. ACCGov is eligible during Federal FY 2023 to receive $67,779 in JAG funding, with no match required. After funds are awarded, funds must be expended within four years.

4. In recent years, the United States has experienced an increase in firearm-related violence and mass shooting incidents.

5. Between 2018 and 2020, ACCPD saw a 29% increase in firearm-related incidents (e.g., armed robberies, aggravated assaults, etc.)

6. In 2021, ACCPD responded to 161 criminal shooting incidents involving firearms and recovered more than 431 firearms during investigations.

7. In 2022 (year-to-date as of 7/26/2022), has responded to 93 criminal shooting incidents involving firearms and recovered 726 fired shell casings from crime scenes. This marks a year-over-year increase of 79% and 69% respectively compared to the same time period in 2021.

8. The ACCPD proposes 2022 JAG funds allow for the acquisition of safety equipment for police officers. In particular, the ACCPD seeks to acquire:
    a) Guardian Angel Devices (safety lighting) for uniformed officers to allow for improved visibility and improved officer safety via improved in-field lighting capacities.
    b) Additional ballistic vests and inserts (Level III+) to protect officers while responding to higher-risk situations.

OPTIONS:

1. Mayor and Commission:
    a) Approve the submission of an application **(Attachment #1)** by the Athens-Clarke County Police Department (ACCPD) for the 2022 Byrne Justice Assistance Grant (JAG);
    b) Accept the grant funds, if awarded;
    c) Adopt the attached budget amendment ordinance **(Attachment #2)**; and

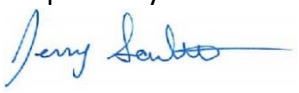
d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

2. Mayor and Commission deny the authorization to submit the grant application.

3. Mayor and Commission-Directed Option

DEPARTMENT RECOMMENDED ACTION: Option # 1: a, b, c, and d

DEPARTMENT:
Prepared by: Joshua Watkins



Jerry G. Saulters

08/05/2022
Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a, b, c, and d



Manager

August 10, 2022
Date:

ATTACHMENTS:

Attachment 1: 2022 JAG Application
Attachment 2: FY23 Budget Amendment Ordinance

Application Proposal Narrative:
FY 2022 Byrne (Local)
Justice Assistance Grant (JAG)

Athens-Clarke County Police Department
July 29th, 2022

Athens-Clarke County Police Department
2022 JAG (Local)

Abstract:

The Athens-Clarke County Police Department (ACCPD) proposes that $67,779 of available 2022 Local Justice Assistance Grant (JAG) funds be used in the following ways:

A.	$19,629.00	To acquire Guardian Angel Devices (safety lighting) for uniformed officers to allow for increased visibility and enhanced officer safety via improved in-field lighting capacities.
B.	$48,150.00	To acquire additional ballistic vests and inserts (Level III+) to protect officers while responding to higher-risk situations.

Project Identifiers:
Body Armor – Ballistic-Resist; Equipment-General; Officer Safety

Narrative/Project Proposal:

Description of the Issues:

This request for $67,779 in grant funds is submitted by the Athens-Clarke County Police Department (ACCPD), a unit of the Unified Government of Athens-Clarke County, Georgia (ACCGov).

This application, made under the guidelines of the FY 2022 Byrne (Local) Justice Assistance Grant (JAG) Program, seeks funding in support of (priority):

A.	$19,629.00	To acquire Guardian Angel Devices (safety lighting) for uniformed officers to allow for increased visibility and enhanced officer safety via improved in-field lighting capacities.
B.	$48,150.00	To acquire additional ballistic vests and inserts (Level III+) to protect officers while responding to higher-risk situations.

The Guardian Angel Device request would provide officers with Guardian Angel Elite Series devices, or similar capacities. These devices are designed to enhance visibility and provide versatile lighting capacities while on the job. The incorporated LED technology allows for visibility of up to 5+ miles.

The ACCPD also seeks additional ballistic vests and inserts (Level III+) to allow for enhanced officer safety in higher-risk situations.

It is the intent of the ACCPD to acquire the requested Guardian Angel Devices and ballistic vests (Level III+) in the first year of the project.

Community Considerations:

The Athens-Clarke County Police Department (ACCPD) serves the residents and visitors of Athens, Georgia, approximately 65 miles northeast of Atlanta. Athens-Clarke County has an estimated service population of 128,711 (U.S. Census Bureau estimate, 2021) and is home to the University of Georgia (UGA). The governments of the City of Athens and Clarke County were unified on January 14, 1991, becoming Georgia's second unified government.

Athens-Clarke County is a diverse, vibrant, urban area surrounded by rural counties. Clarke County is the smallest county (by land area) in Georgia. It has an above-average population density of 1,079.2 compared to the state average of 185.6 (2020) persons per square mile. The jurisdiction's home ownership of 40.5% is below the state's average of 64.0%. The median household income is $40,363; the state's average is $61,224. Critically, the community's individual poverty level of 24.6% is more than the state average of 14.0%.

The area's population also continues to climb from 101,489 in 2000 to an estimated 128,711 in 2021 (U.S. Census Bureau).

The University of Georgia, primarily located within Athens-Clarke County, has an enrollment among all its campuses of approximately 40,118, further adding to the community's density and diverse service needs. The community also serves as a hospitality zone for a large portion of northeast Georgia.

Thus, Athens-Clarke County must contend with a relatively high density, above-average poverty, and the issues associated with an expanding population as it seeks to reduce the presence and fear of crime in its service area.

Between 2018 and 2020, the Athens-Clarke County Police Department saw a 29% increase in firearm-related incidents generally. In 2021, the Athens-Clarke County Police Department responded to 161 criminal shooting incidents involving firearms. Notably, in 2022 (year-to-date) the Athens-Clarke County Police Department has responded to 93 criminal shooting incidents involving firearms and recovered 726 fired shell casings from crime scenes. This marks a year-over-year increase of 79% and 69% respectively compared to the same time period in 2021.

Program Design/Implementation:

The Athens-Clarke County Police Leadership Team meets regularly with internal and external stakeholders to discuss ongoing and nascent community / departmental concerns. Such concerns may be addressed, in part, via activities funded by the Justice Assistance Grant (JAG) program. Notably, Leadership Team actions are informed by data analysis and collaborative discussions.

Should this acquisition program be approved, the ACCPD's Leadership Team will work collaboratively with officers, the ACCPD Planning Unit, and the ACCPD Quartermaster to acquire and field the equipment determined to be consistent with operational needs. Officer health, uniform durability, professional appearance, and enhanced capacities will be weighed in the review of equipment options and assignment.

Capabilities and Competencies:

To meet its service mandate, the Athens-Clarke County Police Department has an authorized full-time staffing level of 256 sworn officers and 75 civilians. ACCPD members are involved with strategic planning/coordination efforts inclusive of: Clarke County School District School Resource Officers (SROs), Northeast Georgia Regional Drug Task Force, Family Protection Center, U.S. Secret Service's Electronic Crimes Task Force, and the FBI's Organized Crime Drug Enforcement Task Force. The ACCPD also works with varied juvenile justice agencies, and programs, as a matter of fulfilling its law enforcement mandate inclusive of the Georgia Department of Juvenile Justice, Athens-Clarke County Juvenile Court, and Georgia Criminal Justice Coordinating Council (CJCC).

Under the terms of a service contract, the ACCPD provides six School Resource Officers (SROs) to the Clarke County School District to ensure officers are in each of the district's middle and high schools. The Family Protection Center (inclusive of the ACCPD, District Attorney's Office, Project Safe, and Sexual Assault Nurse Examiners) addresses all service needs for victims of domestic and sexual assault, inclusive of juveniles. So, too, does the ACCPD operate three mental health co-responder teams (NeSmith Mental Health Co-Responders) with Advantage Behavioral Health Systems, with expansion of the teams scheduled in 2023-2025.

ACCPD staff are active members of numerous community partnerships and actively contribute to the planning, coordination, and service delivery of such initiatives.

Plan for Collecting the Data Required for this Solicitation's Performance Measures:

The following performance metrics are proposed:

1. Number of Guardian Angel Devices (safety lighting) and ballistic vests acquired;

2. Date of equipment acquisition;

3. Number of Guardian Angel Devices and vests in active use after six months; and

4. Number of Guardian Angel Devices removed from service due to defects, enhanced wear, and/or other considerations.

Athens-Clarke County Police Department
2022 JAG (Local)

Budget Worksheet

A. Personnel **$0**

Name	Computation	Cost
Not Applicable		

B. Fringe Benefits **$0**

Name	Computation (Rate)	Cost
Not Applicable		

C. Travel **$0**

Purpose	Location	Item	Computation	Cost
Not Applicable				

D. Equipment **$67,779**

Item	Computation	Cost
Guardian Angel Devices	**$99.99 each x ~196 units**	**$19,629.00**
Ballistic Vests & Plates, & Shipping	**$2,407.50 complete units x 20 units**	**$48,150.00**

E. Supplies **$0**

Supply Item	Computation	Cost
Not Applicable		

F. Construction **$0**

Description	Computation	Cost
Not Applicable		

G. Consultants/Contracts $0

Consultant Fees Name	Service	Computation	Cost
Not Applicable			

H. Other $0

Description	Computation	Cost
Not applicable		

Total Direct Costs $67,779

I. Indirect Costs $0

Not Applicable

Budget Summary Page

A. Personnel/Salary Costs	**$ 0**
B. Fringe Benefits	**$ 0**
C. Travel	**$ 0**
D. Equipment	**$ 67,779**
E. Supplies	**$ 0**
F. Construction	**Unallowable**
G. Consultants/Contracts	**$ 0**
H. Other	**$ 0**
I. Indirect Costs	**$ 0**
TOTAL PROJECT COSTS	**$ 67,779**
Federal Request	**$ 67,779**
Applicant Funds, if any, to be applied to this project	**$ 0**

Budget Narrative:

A. Personnel

Not Applicable

B. Fringe Benefits

Not Applicable

C. Travel

Not Applicable

D. Equipment

The Guardian Angel Device request would provide officers with Guardian Angel Elite Series devices, or similar capacities. These devices are designed to enhance visibility and provide versatile lighting capacities while on the job. The incorporated LED technology allows for visibility of up to 5+ miles.

The ACCPD also seeks additional ballistic vests (Level III+) to allow for enhanced officer safety in higher-risk situations.

Estimated Costs:

Guardian Angel Devices	$99.99 each x ~196 units	$19,629.00
Ballistic Vests & Plates, & Shipping	$2,407.50 complete units x 20 units	$48,150.00

E. Supplies

Not Applicable

F. Construction

Not Applicable

G. Consultants/Contracts

Not Applicable

H. Other

Not Applicable

I. Indirect Costs

Not Applicable

Review Narrative:

The Athens-Clarke County Police Department Fiscal Year 2022 JAG application is scheduled for review and vote by the Athens-Clarke County Mayor & Commission on September 6, 2022.

Disclosure of Pending Applications:

The Athens-Clarke County Police Department (ACCPD) does not have any pending grant applications, submitted within the last 12 months, for federally-funded assistance that include requests for funding in support of the same project elements (Guardian Angel Devices; ballistic shield vest and inserts Level III+) proposed under this solicitation.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Reduction in the Cash Match Requirements of the CDBG Challenge Grant Program

DATE: July 27, 2022

BUDGET INFORMATION:

REVENUES: N/A

EXPENSES: N/A

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission approve reducing the required cash match for Challenge Grant Public Service CDBG projects to 25%.

HISTORY:

1. On September 6, 2006, the Mayor and Commission (M&C) established the Challenge Grant for Public Services subject to the annual 15% cap on Community Development Block Grant (CDBG) funding.

2. On September 4, 2018, the M&C voted to restructure the challenge grant to include a minimum award of $10,000 and a 50% cash match requirement.

3. On September 27, 2020, Housing and Community Development (HCD) published a request for applications for FY22 CDBG funding; at M&C direction, the match component for the Challenge Grant was waived in response to hardships resulting from the COVID-19 pandemic.

4. On September 20, 2021, HCD published a request for applications for FY23 CDBG funding; because of the lingering impacts of the COVID-19 pandemic, the Department Director administratively reduced the challenge grant cash match from 50% to 25% as a part of this solicitation.

5. On April 12, 2022, HCD presented FY23 CDBG funding recommendations at a M&C work session. At this meeting, the administrative change to the Challenge Grant was discussed, with several Commissioners suggesting the cash match should be reduced permanently.

FACTS & ISSUES:

1. CDBG funding can be used for a number of community needs including affordable housing, economic development, public services, and public facilities. Of these, the public services

component is limited by federal law to account for no more than 15% of total CDBG funding – unless being utilized within a Neighborhood Revitalization Strategy Area (NRSA).

2. The Unified Government of Athens-Clarke County (ACCGov) predominately uses CDBG funding as a pass-through mechanism to support service delivery using a variety of non-profit partners. This model helps to create predictability in ACCGov annual staffing, flexibility in service delivery, and to develop capacity amongst the non-profits delivering service in the community.

3. In 2006, the M&C established a Challenge Grant system to CDBG public service projects to better ensure funding was being used fairly and efficiently. The Challenge Grant was modified by the M&C in 2018. A summary of Challenge Grant requirements is available in the table below:

Implementation Year	Funding Requirements	Term	Required Match
2006	$20,000 for year 1 $20,000 for year 2 $15,000 for year 3	3 years maximum	0%
2018	Minimum award of $10,000	No maximum	50%
Proposed	Minimum award of $10,000	No maximum	25%

4. Staff recommend that a partial cash match be retained, because it demonstrates commitment on behalf of the applicant and provides an important buffer if the project encounters unexpected financial challenges.

5. By reducing the cash match, the Challenge Grant should become more accessible to agencies that might not otherwise apply because of the financial hardship created by requiring otherwise undesignated funding. This should increase the diversity of agencies requesting funding and make the program more accessible to small or relatively new entities.

6. This recommendation supports the following ACCGov Strategic Plan Goals and Strategies:
   - Identify and Close Gaps in Partnership with the Community Goal, Strategy D: *Ensure existing resources reach marginalized people and those most in need through effective and accessible social service delivery, non-profit capacity building, and problem solving with connected community partners.*

OPTIONS:

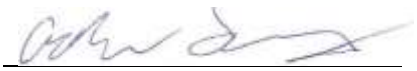
1. Mayor and Commission approve reducing the required cash match for Challenge Grant Public Service CDBG projects to 25%.

2. Mayor and Commission deny reducing the required cash match for Challenge Grant Public Service CDBG projects.

3. Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option **#**1

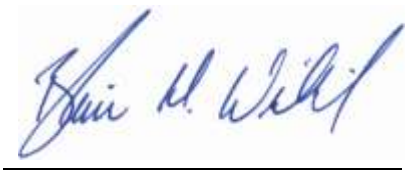
DEPARTMENT: Housing & Community Development
Prepared by: Andrew Saunders



Andrew Saunders — 7/26/22
Interim Director of HCD — Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option **#**1



Manager — August 9, 2022
Date

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Renegotiation of the Local Option Sales Tax (LOST) - Approval of Distribution with Winterville and Bogart

DATE: July 28, 2022

BUDGET INFORMATION:

REVENUES: N/A

EXPENSES: N/A
ANNUAL:
CAPITAL:
OTHER:
TOTAL EXPENSES:

FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Approve the Local Option Sales Tax Distribution formula for the Unified Government of Athens-Clarke County along with the City of Winterville and the Town of Bogart as noted below;

Athens-Clarke County	98.96%
Winterville	0.92%
Bogart	0.12%
	100.00%

b. Approve an intergovernmental agreement governing future LOST negotiations with the City of Winterville and the Town of Bogart **(Attachment #1);** and

c. Authorize Mayor Girtz to execute a Certificate of Distribution (**Attachment #2**) necessary to implement the approved distribution formula for the Local Option Sales Tax.

HISTORY:

1. In 1978, the referendum originally authorizing the Local Option Sales Tax (LOST) passed in Clarke County.

2. On July 5, 2012, the current distribution formula for the LOST was approved, as required by State law, and is noted below:

- Athens-Clarke County	98.93%
- Winterville	0.95%
- Bogart	0.12%

3. On June 2, 2022, ACCGov Mayor Girtz initiated negotiations by sending a letter to the mayors of Winterville and Bogart **(Attachment #3)**. That letter proposed the continued use of a distribution formula for the LOST revenues to be based on the population of each city and adjusted according to the 2020 census data.

4. On June 17, 2022, and July 22, 2022, the mayors of Winterville, Bogart, and Athens-Clarke County and staff met to review the proposed LOST distribution formula. All mayors agreed to continue using the current formula adjusted according to the 2020 census data.

FACTS & ISSUES:

1. The recommended LOST distribution formula for Athens-Clarke County continues the use of the existing method which pro-rates the LOST revenues based on "concurrent population" using the 2020 census data. Under this proposal, the populations of Winterville and Bogart along with the population of Athens-Clarke County, including Winterville and Bogart, are used to create the distribution formula. This distribution formula is consistent with the criteria contained within State law for distribution of LOST revenues. The results of the proposed distribution formula are provided below:

	2020 Census	%	Recommended LOST Distribution
Athens-Clarke County (including Winterville & Bogart)	128,671	98.96	98.96%
Winterville	1,201	0.92	0.92%
Bogart	155	0.12	0.12%
Total	130,027	100%	100.00%

2. Georgia law, O.C.G.A. 48-8-89, requires cities and counties to renegotiate the distribution of LOST revenues and adopt a renegotiated percentage after the results of each decennial census are available. Application of the noted law requires that these actions be accomplished no later than December 31, 2022. Failure to agree upon a formula for distribution of LOST by December 31, 2022 will result in the termination of the tax as specified by Georgia law.

3. The locally agreed upon distribution formula is used by the Georgia Department of Revenue to

distribute LOST revenues to counties and cities each month. The adoption of the distribution formula for LOST revenues does not impact the Special Purpose Local Option Sales Tax (SPLOST) or Transportation SPLOST revenue since SPLOST and TSPLOST are authorized separately under Georgia law. The SPLOST and TSPLOST taxes are imposed by the county government and those revenues are distributed to the county to fund voter approved capital projects.

4. As part of the negotiation process, the parties have agreed to reconvene in five years to review the demographic changes at that time to determine if any revisions will be needed. The intergovernmental agreement (**Attachment #1**) will solidify this intent.

5. Once the Georgia Department of Revenue approves the new distribution certificate, the distribution of LOST revenues will begin January 1, 2023 based on the new distribution formula.

6. Approval by the City of Winterville and Town of Bogart governing authorities is anticipated in September, 2022. The LOST distribution formula cannot be changed without the consent of the City of Winterville, the Town of Bogart, and the Unified Government of Athens-Clarke County.

OPTIONS:

1. Mayor and Commission:
   a. Approve the Local Option Sales Tax Distribution formula for the Unified Government of Athens-Clarke County along with the City of Winterville and the Town of Bogart as noted below;

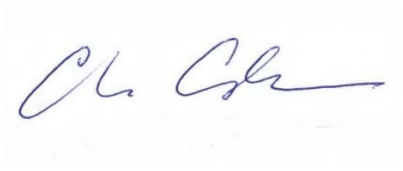
Athens-Clarke County	98.96%
Winterville	0.92%
Bogart	0.12%
	100.00%

   b. Approve an intergovernmental agreement governing future LOST negotiations with the City of Winterville and the Town of Bogart **(Attachment #1);** and

   c. Authorize Mayor Girtz to execute a Certificate of Distribution (**Attachment #2**) necessary to implement the approved distribution formula for the Local Option Sales Tax.

2. Mayor and Commission defined option.

DEPARTMENT:
Prepared by: Chris Caldwell



Chris Caldwell

07/28/2022
Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a & b





Manager

August 9, 2022
Date:

ATTACHMENTS:

Attachment #1: Intergovernmental Agreement
Attachment #2: Certificate of Distribution 2022
Attachment #3: Letters to Winterville and Bogart on LOST renegotiation

Attachment #2

CERTIFICATE OF DISTRIBUTION

TO: State Revenue Commissioner

Pursuant to an Act of the Georgia General Assembly, effective January 1, 1980, relating to Local Sales & Use Taxes, the governing authorities for the qualifying municipalities and the county located within the special district coterminous with the boundaries of CLARKE County hereby certify that the proceeds of the combination city/county local sales and use tax generated in such district shall be distributed by the State Revenue Commissioner as follows:

City of Bogart shall receive 0.12 %

City of Winterville shall receive 0.92 %

County of Clarke shall receive 98.96 %

This certificate shall continue in effect until such time as a new certificate shall be executed as provided in said Act.

By executing this schedule, the county and cities, acting through their respective officers, represent that all municipalities lying wholly or partly in the tax jurisdiction have been given an opportunity to show that they are 'qualified municipalities,' as that term is used in the Act, and that all municipalities listed herein as recipients are 'qualified' and so may receive distribution from the proceeds of the tax.

Executed on behalf of the governing authorities of the qualifying municipalities representing not less than a majority of the aggregate population of all qualifying municipalities located within the special district and the governing authority of the county, this _____ day of _____ 2022.

_____

MAYOR OF THE CITY OF BOGART

_____

MAYOR OF THE CITY OF WINTERVILLE

_____

MAYOR OF

ATHENS-CLARKE COUNTY

ATHENS CLARKE COUNTY

June 2, 2022

Mayor Janet Jones
City of Bogart
P.O. Box 206
Bogart, GA 30622

RE: Meeting to Discuss Renegotiation of Local Option Sales Tax Distribution

Dear Mayor Jones:

As you know, O.C.G.A. Section 48-8-89 requires counties and cities to periodically renegotiate the distribution or revenues received from the local option sales tax. Renegotiation must take place during the 2021-2022 calendar year. Failure to file a new distribution certificate with the state revenue commissioner by December 30, 2022 will result in the repeal of the LOST levy for Athens-Clarke County and each participating city.

In particular, the law states that renegotiations "...shall be commenced...on or before July 1, 2022." It is the responsibility of the county governing authority to issue the call for LOST renegotiations and to notify the state revenue commissioner that the renegotiation has been initiated. Pursuant to this call, the renegotiation process required by O.C.G.A. Section 48-8-89(d) shall commence on June 17.

An initial meeting is scheduled for Friday, June 17 at 11 am, to be held at Athens-Clarke County City Hall, 301 College Avenue, Room 300 at which time preliminary information and the structure of the negotiations will be discussed. A letter similar to this one has been sent to the mayors of the cities of Bogart and Winterville issuing this call for renegotiation. In addition, by copy of each letter, the state revenue commissioner shall be notified that the LOST renegotiation process for Athens-Clarke County will commence on June 17.

If you have any questions or suggestions, please let me know.

Sincerely,

Kelly Girtz
Mayor

Copy: Robyn A. Crittenden, Commissioner, Georgia Department of Revenue
Commission
Blaine Williams, Manager
Josh Edwards, Assistant Manager
Niki Jones, Assistant Manager
Judd Drake, Attorney
David Boyd, Finance Director
Jean Spratlin, Clerk of Commission

MAYOR KELLY GIRTZ
UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA
P.O. Box 1868 • Athens, Georgia 30603 • (706) 613-3010

ATHENS CLARKE COUNTY

June 2, 2022

Mayor Dodd Ferrelle
City of Winterville
P.O. Box 306
Winterville, GA 30683

RE: Meeting to Discuss Renegotiation of Local Option Sales Tax Distribution

Dear Mayor Ferrelle:

As you know, O.C.G.A. Section 48-8-89 requires counties and cities to periodically renegotiate the distribution or revenues received from the local option sales tax. Renegotiation must take place during the 2021-2022 calendar year. Failure to file a new distribution certificate with the state revenue commissioner by December 30, 2022 will result in the repeal of the LOST levy for Athens-Clarke County and each participating city.

In particular, the law states that renegotiations "...shall be commenced...on or before July 1, 2022." It is the responsibility of the county governing authority to issue the call for LOST renegotiations and to notify the state revenue commissioner that the renegotiation has been initiated. Pursuant to this call, the renegotiation process required by O.C.G.A. Section 48-8-89(d) shall commence on June 17.

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If you have any questions or suggestions, please let me know.

Sincerely,

Kelly Girtz
Mayor

Copy: Robyn A. Crittenden, Commissioner, Georgia Department of Revenue
Commission
Blaine Williams, Manager
Josh Edwards, Assistant Manager
Niki Jones, Assistant Manager
Judd Drake, Attorney
David Boyd, Finance Director
Jean Spratlin, Clerk of Commission

MAYOR KELLY GIRTZ
UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA
P.O. Box 1868 • Athens, Georgia 30603 • (706) 613-3010

Legislative Review Committee
Commission Report

SUBJECT: LRC Report: Public Utilities' "One Lot Removed" Water Access Policy

DATE: August 5, 2022

PURPOSE: This report provides the Mayor and Commission with a recommendation from the Legislative Review Committee regarding Public Utilities' "one lot removed" water access policy.

HISTORY:

1. On August 2, 2022, Mayor Girtz assigned to the Legislative Review Committee (LRC) the topic, "Public Utilities' 'one lot removed' water access policy".

2. The LRC discussed this topic at its August 4, 2022, meeting. Staff presented an overview on the existing policy and recommended changes, including:
    - Modifying the approval process to allow requests from the one lot removed exemption be subject to the review and approval by the Public Utilities Department Director;
    - Adding language to denote applicants that are denied a variance by the Public Utilities Department Director may request consideration of their variance request by the Mayor & Commission on the next available agenda cycle; and
    - Reporting from the Public Utilities Department to the Mayor and Commission annually on the approved exceptions to the policy.

    The Committee voted unanimously to advance the proposed policy for consideration by the full Mayor & Commission.

RECOMMENDATIONS:

The Legislative Review Committee recommends approving the proposed policy, as outlined in **Attachment #1**.

Russell Edwards 8/16/22

Russell Edwards, Chair Date:
Legislative Review Committee

ATTACHMENTS:

Attachment #1: WS-011 Policy

Attachment #1

POLICY AND/OR PROCEDURE STATEMENT WS-011

DEPARTMENT OF PUBLIC UTILITIES

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

I. POLICY SUBJECT: Water and/or Sanitary Sewer Services
FUNCTIONAL AREA: Public Utilities
POLICY PROCEDURE NUMBER: WS-011

II. POLICY STATEMENT:

1. Each individual parcel of property to be served by the Athens-Clarke County water distribution system and sanitary sewer system ~~(hereinafter referred to as the Public Water and/or Sanitary Sewer System)~~ must have an existing water main and/or sanitary sewer line located ~~within the frontage of~~ adjacent to said property. In addition, each individual building within said parcel must be served through its own individual water and/or sewer connection and be individually metered from the public water system.

2. The intent of this policy statement is to accomplish the following:

   a. To ensure the availability of fire protection to areas served by the public water system.
   b. To reduce the possibility of joint-use water stubs, meters and sewer stubs.
   c. To ensure that the water distribution system and sanitary sewer collection system servicing a property is maintained by a responsible agency.
   d. To ensure all new water and/or sanitary sewer service(s) are permitted through the Athens-Clarke County Building Permits and Inspection Department.
   e. To establish uniform guidelines and minimum requirements for all individual parcels in which the Athens-Clarke County public water and sanitary sewer system is providing service, regardless of locale relative to governmental jurisdiction.

III. EXCEPTIONS:

Any ~~and all~~ exceptions to this policy must be approved ~~reviewed~~ by the Public Utilities Director ~~and approved by the Unified Government of Athens-Clarke County, Georgia~~. All requests for exceptions to the requirements as stated in this policy must be accompanied by the following information:

a. Documentation to substantiate the subject property was subdivided prior to February 1992~~the effective date of this policy~~.

b. Executed easement conveyances, in a form acceptable to the Chief Plumbing Inspector of the Athens-Clarke County Building Permits and Inspection Department. No easement will be allowed to cross a public street relative to any proposed private service(s).

c. Agreement by the property owner to install a backflow device, as approved by the Chief Plumbing Inspector for the Unified Government of Athens-Clarke County, Georgia, adjacent to the requested water meter.

~~d. If required by the Public Utilities Director, submittal of a Letter from the local Fire Marshal acknowledging the subject parcel of property will not be afforded fire protection from the Public Water System. Should the subject parcel of property not be located in the jurisdiction of a local Fire Marshal, a letter from the applicable government body may be accepted.~~

d. Letter from the property owner requesting exception consideration, transmitting the above identified information to the Public Utilities Director, acknowledging all provisions as outlined in this policy statement.

e. Only one water stub, meter and/or sewer stub per parcel will be considered under the provisions of this exception. In addition, there cannot be other individual parcels of property located geographically between the parcels for which the exception is requested, unless the intermediate parcel has ~~frontage on~~ access to the public systems. Parcels requesting additional services and/or parcels outside the definition of this policy will warrant and require the extension of a public main.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Adoption of the ACCGov Title VI Program Plan in Accordance with Civil Rights Act of 1964 and in Compliance with Local Administered Project Certificate Application to GDOT

DATE: July 28, 2022

BUDGET INFORMATION:

REVENUES: N/A

EXPENSES: N/A

FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that Mayor and Commission:

a. Adopt the revised Title VI Program Plan, which includes the Limited English Proficiency Plan, as proposed in **Attachment #1** to maintain ACCGov compliance with Title VI Civil Rights program requirements as administered through the Georgia Department of Transportation (GDOT);
b. Adopt GDOT's Title VI Non-Discrimination Agreement with Assurances as part of the Local Administered Project Certification (**Attachment #2**);
c. Adopt GDOT's Procurement Policy for Federally Funded Projects falling under the Local Administered Project Certificate (**Attachment #3**);
d. Appoint the Safety & Risk Administrator as the designated Title VI Coordinator and the Human Resources Director as the Title VI Plan Administrator under the Unified Government of Athens-Clarke County Title VI Plan; and
e. Authorize the Mayor and appropriate staff to sign all related documents.

HISTORY:

1. In 1964, Congress passed the Civil Rights Act, and Title VI of that act prohibits recipients of Federal financial assistance (e.g., state, local governments, transit providers) from discriminating on the basis of race, color, or national origin in their programs or activities. Federal funding agencies are obligated to enforce compliance.

2. In October of 2012, the U.S. Department of Transportation (USDOT)/Federal Transit Administration (FTA) published revisions to FTA Circular C 4702, 1B, "TITLE VI

REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS." Changes in the Circular mandated Title VI plans be developed and adopted for all Public Transit systems that receive Federal funding assistance.

3. In December of 2014, the Federal Highway Administration (FHWA), of the U.S. Department of Transportation (USDOT), published an overview of "FHWA's Civil Rights Program Requirements for Local Public Agencies" (receiving federal funding), including Title VI program implementation and related statuses (23 CFR Part 200). https://www.ecfr.gov/current/title-23/chapter-I/subchapter-C/part-200?toc=1

4. On March 3, 2015, the Mayor and Commission (M&C) adopted a Title VI plan that was specific to the Transit Department in compliance with Federal Transit Administration program requirements.

5. On August 4, 2015, M&C adopted the 2015 Title VI plan that was specific to the T&PW Department and in compliance with Title VI Civil Rights program requirements for Local Public Agencies and as administered through the Georgia Department of Transportation (GDOT). The adopted plan named the ACCGov Internal Auditor as the Plan Administrator and the Office of Operational Analysis' Management Analyst as the Plan Coordinator.

6. In fall of 2015, the ACCGov Office of Operational Analysis accepted and assumed Title VI Administrator and Coordinator duties and responsibilities, and signed non-discrimination agreement with GDOT (**Attachment #2**).

7. On October 1, 2019, M&C adopted the updated 2019 Title VI Plan to maintain compliance with Title VI Civil Rights program requirements, as administered through GDOT. Appointment of Plan Administrator and Title VI Coordinator are necessary for compliance with Title VI requirements. By request of the Internal Auditor, the M&C had designated the Office of Operational Analysis to fill this role. By subsequent request of the Internal Auditor, the Title VI Coordinator role was relinquished on December 3, 2019.

8. On December 3, 2019, M&C approved the Inclusion Officer as the designated Title VI Coordinator under the ACCGov Title VI Plan,w hile the Plan Administrator continued to be assigned to the Internal Auditor.

9. On December 17, 2019, T&PW staff received Local Administered Project (LAP) Certification Acceptance from GDOT with full approval to administer all project work types for federally funded projects valid through September 30, 2022.

10. On May 2, 2022, Transportation & Public Works (T&PW) staff submitted the Local Administered Projects (LAP) Recertification Application to GDOT set to expire September 30, 2022. The application included all required documents including a draft of revised ACCGov Title VI Program Plan.

11. On July 1, 2022, GDOT representatives contacted T&PW staff and confirmed that shifting the Title VI Administrator and Coordinator responsibility to the Human Resources Department is an acceptable action as long as these new assignments are reflected in the Title VI Program Plan.

FACTS & ISSUES:

1. Historically, M&C agrees annually to abide by the FTA and GDOT Title VI Civil Rights program requirements as a part of the 5307 Operating and Capital assistance funding grant application process, and ACCGov has complied with the Title VI program guidelines within the Transit Department.

2. Compliance requirement alterations were published in the FTA Circular C4702 1B that not only require Transit systems to develop and adopt a local Title VI Plan, but also other departments that receive federal funding from different sources. ACCGov Transit does maintain a current Title VI Plan specific to Transit and FTA regulations.

3. Many of ACCGov departments, including Athens Ben Epps Airport, Transit, Housing and Community Development (HCD), ACCGov Courts, District Attorney, Police, Transportation and Public Works, etc., receive federal funding through the state and/or directly from federal agencies.

4. Many of ACCGov departments, with the exception of Transit and T&PW departments, have not been required to provide an active Title VI Plan for their prospective department and/or for ACCGov.

5. The U.S. Department of Transportation has explicit authority to implement Title VI Program 49 CFR Part 21 . In turn, the Federal Highway Administration (FHWA) has the authority to implement Title VI program and related statutes (23 CFR Part 200). Therefore, GDOT, a federal block grant recipient and therefore accountable to FHWA, requires ACCGov to have an active Title VI Plans as part of the Local Administered Project Certificate with GDOT set to expire September 30, 2022."

6. Historically, the T&PW Department had received Local Maintenance Improvement Grant (LMIG) funds, Transportation Alternatives Program (TAP) grant funds, as well as periodic Transportation Enhancement (TE) funds. Some of most recent and current projects that fall directly under the LAP Certificate and follow GDOT's Plans Development Process are:
    a. West Broad St at West Hancock Rd Pedestrian and Intersection Improvement Project with approximately 50% local / 50% state funds, and with a total cost of $6 million per a GDOT Letter in Lieu of Project Framework Agreement issued received in 2019. Project Construction is scheduled for fall 2025.

b. N. Chase Street Corridor Improvements Project with 20-local / 80-federal, and with a total cost estimated at $ 8 million. Project construction is scheduled for 2027.

7. On all federally-funded projects that fall under GDOT's LAP Certificate, GDOT provides a Project Manager who is assigned to the project and works directly with T&PW Director "Person in Responsible Charge" and/or his designee to meet the following responsibilities:
   a. Ensures that all applicable Federal and State regulations are followed on the project and have the responsibility, authority, and resources to manage the project accordingly.
   b. Serves as agency point of contact for issues or inquiries concerning the project and certification.
   c. Performs regular maintenance of records with an adequate filing system is mandatory and stored on-site.
   d. Performance measures are tracked and reported with timely responses for all requests.

8. GDOT has been charged with ensuring that its sub-recipients for federal funds, specifically from FHWA, are both complying with and enacting the requirements of Title VI. Compliance with the federally mandated Title VI programs is required in order for local governments to continue to receive state and federal funding assistance. Furthermore, the LAP Certification Letter received from GDOT on December 17, 2019 advises as follow:

   "The (local) government may lose certification status or have delegation authority reduced if found to be in non-compliance…. In addition, the local government may be required to reimburse the Federal Highway Administration for federal-aid payments previously received on the project".

9. The Local Administered Project (LAP) Certificate is administered by the GDOT, and it expires every three years. The current ACCGov LAP Certificate is set to expire September 30, 2022. The LAP Recertification Application requires reports on recently active and completed federally-funded projects under the LAP Certificate in addition to:
   a. Title VI Program Plan – current/updated (**Attachment #1**)
   b. Staff Training (valid for three years) in the five areas below:
      i. Plan Development Process
      ii. Local Administered Projects
      iii. Right-of-Way
      iv. Procurement of Architecture and Engineering Services
      v. Title VI and ADA
   c. GDOT Non-Discrimination Agreement with Assurances (**Attachment #2**).
   d. GDOT Procurement Process adoption for Federally Funded Projects (**Attachment #3).**

10. If this agenda item is approved by M&C, T&PW staff will forward the approved Title VI Program Plan, Non-Discrimination Agreements, and GDOT Procurement Letter to GDOT prior to the September 30, 2022 deadline and shall continue to maintain required training to keep a valid LAP Certificate with GDOT.

11. Loss of GDOT's LAP Certificate may lead to loss of federal and state funds and potential repayment, which would be detrimental to several departments' overall budgets and require substantial additional local funding to maintain the current level of services.

12. Whereas Title VI investigatory and compliance responsibilities rest with the Human Resources (HR) Department, operational efficiency indicates appointment of the Safety and Risk Administrator and HR Director to respective roles of Title VI Coordinator and Plan Administrator. Locating these roles with Human Resources is common for Georgia local governments and is supported by GDOT.

13. If approved, the HR Department will champion efforts to complete and maintain ACCGov Title VI Program Plans to include Title VI requirement specific to all ACCGov Departments that receive federal funding.

14. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:
    - Built and Natural Infrastructure, Strategy B: *Ensure equitable access to infrastructure to enhance safety and identity.*

OPTIONS:

1. Mayor and Commission:
   a. Adopt the revised Title VI Program Plan, which includes the Limited English Proficiency Plan, as proposed in **Attachment #1** to maintain ACCGov compliance with Title VI Civil Rights program requirements as administered through the Georgia Department of Transportation (GDOT);
   b. Adopt GDOT's Title VI Non-Discrimination Agreement with Assurances as part of the Local Administered Project Certification (**Attachment #2**);
   c. Adopt GDOT's Procurement Policy for Federally Funded Projects falling under the Local Administered Project Certificate (**Attachment #3**);
   d. Appoint the Safety & Risk Administrator as the designated Title VI Coordinator and the Human Resources Director as the Title VI Plan Administrator under the Unified Government of Athens-Clarke County Title VI Plan; and
   e. Authorize the Mayor and appropriate staff to sign all related documents.

2. Mayor and Commission do not adopt the revised Title VI Program Plan, GDOT's Title VI Non-Discrimination Agreement with Assurances, and/or GDOT Procurement Policy for Federally Funded Projects.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1a, b, c, d, & e

DEPARTMENT: Transportation & Public Works and Human Resources
Prepared by: Rani Katreeb, P.E., Assistant Director



Stephen Bailey
Director

July 27, 2022
Date:



Jeff Hale
Human Resources Director

July 27, 2022
Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1a, b, c, d, & e



Manager

August 10, 2022
Date:

ATTACHMENTS:

Attachment #1: ACCGov Title VI Program Plan
Attachment #2: GDOT Non-Discrimination Agreement With Assurances
Attachment #3: ACCGov Adoption to GDOT Procurement for Federally-Funded Projects

The Unified Government of Athens-Clarke County, Georgia

TITLE VI PROGRAM PLAN

Federal Assistance Programs and Activities

The Unified Government of Athens-Clarke County Title VI Plan

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Section I: Policy Statement and Authorities

A. Policy Statement

The Unified Government of Athens-Clarke County (ACCGov) is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. ACCGov assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. ACCGov further assures that every effort will be made to ensure nondiscrimination in all of its programs and activities whether or not those programs and activities are federally funded. In addition, ACCGov will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

When ACCGov enters into a contract with another entity utilizing federal aid funds, ACCGov will include Title VI language in all written agreements and will monitor for compliance.

ACCGov's Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other ACCGov responsibilities as required by 23 Code of Federal Regulations (CFR) 200 and 49 CFR 21.

_____

Kelly Girtz, Mayor
The Unified Government of Athens-Clarke County

B. Authorities

Title VI of the Civil Rights Act of 1964
Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987
Broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not.

Federal Aid Highway Act of 1973
No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975
No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans with Disabilities Act of 1990 (ADA & ADAAA)
No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973
No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency

Section II: Organization and Plan Administration

A. Organization

The Unified Government of Athens-Clarke County (ACCGov) is a unified city/county government located in the northeast section of the state of Georgia and is approximately sixty (60) miles northeast of Atlanta, Georgia. In 1990, the citizens of the City of Athens and Clarke County voted to unify their governments. In doing so, Athens-Clarke County became the second consolidated government in Georgia and the 28th in the nation. Athens-Clarke County is the most urbanized area in the region, and as such, can be considered the center of employment, culture, education, and business activity. ACCGov serves an area population of approximately 128,711 with annual growth projected at 0.92% per year and provides a multitude of local, state, and federally funded services, which includes, but is not limited to public safety, utilities, courts, corrections, tax, transportation, and transit services.

ACCGov's organization is shown in Appendix A ("Organizational Chart"), attached hereto and incorporated herein by reference. The ACCGov Human Resources Director, on behalf of the ACCGov Mayor and Commission, is responsible for the overall management of the Title VI programs. The day-to-day administration of the program lies with the Title VI Coordinator.

B. Plan Administration

The ACCGov Human Resources Director will serve as the Plan Administrator (the "Administrator") and will implement the Plan and ensure compliance with provision of ACCGov's policy of non-discrimination and with the law, including the requirements of 23 CFR Part 200 and 49 CFR Part 21. Grants compliance and Title VI coordination will be performed under the authority of the Administrator.

The ACCGov Safety & Risk Administrator will act as the Plan Coordinator (the "Coordinator") and administer the Plan. The Coordinator reports directly to the Administrator. The Coordinator will work with relevant department staff to perform the following duties and responsibilities:

1. **Program Administration** – Administer the Title VI program and coordinate implementation of the plan. Ensure compliance with the assurances, policy, and program objectives. Perform Title VI program reviews to assess administrative procedures, staffing, and resources; provide recommendations, as required, to the Administrator.
2. **Title VI Plan Update** – Review and update the Title VI Plan as needed or required for approval by the Administrator.
3. **Data Collection** – Ensure statistical information is gathered and maintained by departments on race, color, national origin and sex of participants in and beneficiaries of programs funded through federal funding sources (e.g., relocates, impacted citizens, and affected communities). Review the statistical data gathering process periodically

to ensure sufficiency of data for meeting the requirements of Title VI program administration.

4. **Public Dissemination** – Work with ACCGov staff to develop and disseminate Title VI program information to staff, recipients, sub-recipients, including contractors, sub-contractors, consultants, and sub-consultants and beneficiaries, as well as the general public. Public dissemination may include postings of official statements, inclusion of Title VI language in contracts or other agreements, website postings, and annual publication of the ACCGov's Title VI Policy Statement in newspapers(s) having a general circulation, and informational procures. Ensure public service announcements or notices are posted of proposed projects, hearings, meetings, or formation of public advisory boards, in newspapers or other media reaching the affected community. Ensure the full utilization of available minority publications or media; and, where appropriate, provide written or verbal information in languages other than English.
5. **Environmental Impact Statements** – As required, work with the ACCGov department staff to ensure that available census data are included as part of all Environmental Impact Statements/Assessments (EIS/EIA) for projects receiving Federal Highway Administration or other federal assistance.
6. **Elimination of Discrimination** – Establish procedures for promptly resolving deficiencies, as needed. Recommend procedures to identify and eliminate discrimination discovered in any of ACCGov's processes.
7. **Complaints** – Review written Title VI complaints that may be received by ACCGov following the procedural guidelines in Section IX ("Complaint Procedures"). Ensure every effort is made to resolve informally at the local or regional level.
8. **Training Programs** – Work with internal and external agencies to provide training programs on Title VI issues and regulations for ACCGov employees.
9. **Legislative and Procedural Information** – Maintain and update the Plan and Annual Accomplishment and Goal Report as necessary to comply with federal laws, rules and regulations, GDOT guidelines, Department of Treasury guidelines, and other resource information pertaining to implementation and administration of Title VI. Make information available to other ACCGov departments or the public as requested or required.
10. **Annual Accomplishment and Goal Report** – If any complaints are received, prepare a Title VI Annual Accomplishment and Goal Report for the preceding fiscal year. Identify accomplishments from the preceding fiscal year and goals and objectives for the upcoming year, as required, and submit by June 30 of each year.

Section III: Subcontracts and Vendors

All subcontractors, subaward recipients, subrecipients, and vendors who receive payments from ACCGov where funding originates from any federal assistance are subject to the provisions of the Title VI of the Civil Rights Act of 1964 as amended.

Written contracts will contain non-discrimination language, as relevant and appropriate, either directly or through the bid specification package, which becomes an associated component of the contract.

Section IV: ACCGov Title VI Activities Related to Transportation

A. Planning

1. Invite participation of a cross section of the populace from social, economic, and ethnic groups in the planning process by disseminating written program information to minority media and ethnic organizations, and providing public service announcements for all local media, when requesting public involvement or attendance at public information meetings.

2. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project. Coordinate the gathering of information using the voluntary Title VI Public Involvement Questionnaire provided in Appendix B.

3. Conduct public meetings in a variety of community buildings throughout Athens-Clarke County to ensure access to public meetings, including those along transit routes; ensure translation services are available if anticipated; and ensure public meetings are held in predominately minority communities when transportation projects will specifically impact those communities.

B. Research

1. Prioritize research projects based upon ACCGov needs and available funding.

2. Gather and maintain necessary data and documentation required for completion of ACCGov's Title VI Update Annual Report.

3. Select capable institution to perform research sufficient for ACCGov to make an informed decision about the transportation problem. Ensure the diversification in the selection of the institution.

4. Ensure that all research contracts include the requirements in Exhibit 2 of the Title VI Assurances.

C. Pre-Construction Environmental

1. Recommend consultant firms for final selection, negotiation and award; administer awarded consultant contracts.

2. Request qualifications from consulting engineering firms specializing in various aspects of civil engineering which may relate to ACCGov projects and the development of construction plans and special provisions for roads and bridges, design work associated with structures, performing environmental studies or preparing NEPA or SEPA documents for ACCGov projects. Ensure consultant

selection is consistent with ACCGov vendor policies and adheres to GDOT regulations.

3. Comply with ACCGov's Minority Business Enterprise (MBE) statement when selecting consultants and contractors; include Title VI assurances and provision language in all federally funded consultant contracts and periodically review to ensure compliance with current laws and regulations. Provide a copy of the award letter to the Coordinator for use in preparing the Annual Accomplishment and Goal Report.

4. Ensure ACCGov's responsibility for transportation Capital Improvement Program (CIP) and environmental permitting for projects. Perform studies to assess various environmental factors as they relate to the implementation of ACCGov's transportation projects, including evaluating demographic data.

5. Adhere to the National Environmental Policy Act (NEPA), as required, depending on the scope, complexity, and impacts of the project.

6. Complete NEPA Categorical Exclusion and NEPA Environmental Assessment as required. Monitor compliance with Title VI requirements in all aspects of conducting Environmental Impact Statements (EIS) or Assessments (EIA) and provide a comprehensive summary of the demographic and environmental data elements to be considered by the EIS/EIA process to the Coordinator, including updated summary lists as applicable. Provide at least two weeks for the Coordinator to review and comment. Ensure there are no violations of the federal Civil Rights Act, as amended, as a result of ACCGov's federal aid projects.

7. Ensure dissemination of information and foster participation from affected populations. Place public notices in applicable general and minority media; select accessible locations and times for public hearings or meetings, and arrange for translation services as needed; particularly in projects impacting predominately minority communities. Ensure the public has information pertaining to their rights to call or write ACCGov to view plans and discuss environmental problems.

8. Obtain demographic data at community meetings and public hearings pertaining to the transportation design project. Coordinate with GDOT to generate a map of the federal-aid transportation projects and include demographic data of the neighborhoods affected by the projects.

9. Assist in incorporating environmental considerations and regulatory requirements into projects.

10. Provide technical expertise for project analysis and utilize environmental policies, procedures, manuals and training.

11. Study and evaluate all necessary environmental aspects of proposed projects, including social and economic aspects.

D. Right-of-Way

1. Manage and coordinate the appraisal and acquisition of real property and relocation assistance services for public works projects. Include appraisal of property, negotiation of terms and conditions for acquisition, and assistance in the relocation of displaced individuals, businesses, farm operations, nonprofit organizations, and property management.

2. Ensure equal opportunity in all aspects of procuring real estate services contracting and appraisal agreements and adhere to ACCGov vendor procurement policies in the acquisition of contracted services.

3. Utilize current GDOT directories for a list of certified fee appraisers when seeking services, maintain data on awards to minority and female appraisers, and provide data to the Coordinator.

4. Follow the guidelines and applicable laws and regulations, including Title VI and Section 504 for property acquisition.

5. Ensure affected property owners, tenants, and others involved in right-of-way acquisition are apprised of their rights and options regarding negotiation, relocation, condemnation and other aspects of the acquisition process. Provide copies of relocation assistance literature produced by GDOT.

6. Incorporate Title VI language and assurance statements in all surveys of property owners and tenants after the conclusion of all business. Coordinate the preparation of deeds, permits and leases to ensure the inclusion of the appropriate clauses, including Title VI Assurances.

7. Ensure that appraised values and communications associated with the appraisal and negotiation operations result in equitable treatment.

8. Ensure comparable replacement dwellings are available and assistance is given to all displaced persons and entities by the property acquisition process.

9. Maintain statistical data including race, color, national origin, and sex on all relocates affected by federally funded projects.

E. Construction

1. Administer all new construction contracts. Administer and supervise transportation construction projects.

2. Review all federally funded projects for application of the DBE statement. As appropriate, include DBE provisions in those projects with the designated statement. Include Title VI language in bid announcements and applicable construction documents, as stipulated in the Agency's Title VI Policy Statement and Assurances.

3. Award construction contracts on the basis of most qualified, lowest responsive bidder, as well as meeting DBE requirements. Include Title VI language in prime contract award letters to encourage utilization of DBE subcontracts and vendors.

4. Ensure that prime contractors with DBE requirements award contracted work to qualified DBEs which perform commercially useful functions.

5. Monitor all construction to ensure nondiscrimination throughout all operations.

6. Coordinate the gathering of construction information regarding DBE participation for the Annual Title VI Report and provide this information to the Coordinator.

Section V: Sub-Recipient Review and Remedial Action Procedures for Transportation Activities

A. Title VI Review of Sub-recipients of Federal Aid Highway Funds

The Coordinator and ACCGov staff will assist GDOT to periodically conduct Title VI compliance reviews. The Coordinator and ACCGov staff will review select sub-recipients of federal aid highway or other federal funds to ensure adherence to Title VI requirements. ACCGov will work cooperatively to periodically confirm operational guidelines provided to consultants, contractors, and sub-recipients, including Title VI language, provisions, and related requirements, as applicable.

B. Post-Grant Reviews

The Coordinator and ACCGov staff will conduct periodic post grant reviews of select sub-recipients of federal highway funds or other federal funds, for roads, sidewalks, bridges, construction, etc. to ensure adherence to Title VI requirements. The Coordinator and ACCGov staff will periodically confirm that operational guidelines provided to consultants, contractors and sub-recipients include Title VI language and provisions and related requirements, where applicable.

C. Remedial Action

When irregularities occur in the administration of federal-aid highway programs at either ACCGov or sub-recipient levels, corrective action will be taken to resolve identified Title VI issues. ACCGov will seek the cooperation of the consultant, contractor and other sub-recipient in correcting deficiencies found during periodic reviews. ACCGov will provide technical assistance and guidance, upon request, to support voluntary compliance by the sub-recipient. When conducting Title VI compliance reviews, ACCGov will document and provide to GDOT any recommended remedial action agreed upon by ACCGov and the sub-recipient within a period not to exceed forty-five (45) calendar days.

Sub-recipients placed in a deficiency status will be given a reasonable time, but not to exceed ninety (90) days after receipt of the deficiency letter, to voluntarily correct deficiencies. When a sub-recipient fails or refuses to voluntarily comply with requirements within the allotted time frame, ACCGov will submit to GDOT copies of the case files and a recommendation that the sub-recipient be found in noncompliance.

A follow-up review will be conducted within one hundred eighty (180) days of the initial review to ascertain if the sub-recipient has complied with the Title VI requirements in correcting deficiencies previously identified. If the sub-recipient refuses to comply,

ACCGOV and GDOT may, with FHWA's concurrence, initiate sanctions pursuant to 49 CFR 21, including but not limited to:

1. Withholding of payments to the contractor under the contract until the contractor complies; and/or
2. Cancellation, termination, or suspension of the contract in whole or in part.

Section VI: ACCGov Title VI Activities Related to Transit

Transit Department receives federal funds from the Federal Transit Administration (FTA) via the Georgia Department of Transportation (GDOT) Office of Intermodal Programs. Both FTA and GDOT Title VI guidelines for the Transit Department meet or exceed the requirements found within this document. The Transit Department complies with all Federal statutes and regulations, follows applicable Federal directives, and complies with the certifications and assurances as required by the Federal Transit Administration (FTA) in FTA Circular FTA C 4702.1B and 49 CFR part 21, and by the Georgia Department of Transportation (GDOT) Office of Intermodal Programs guidelines, in regard to the Title VI programs.

The Transit Department has a stand-alone Title VI plan that has been approved by GDOT. See Addendum D.

Section VII: ACCGov Title VI Activities Related to Housing and Community Development

ACCGov Housing and Community Development Department (HCD) receives federal funds from the U.S. Department of Housing and Urban Development (HUD). HCD Title VI guidelines for the Community Development Block Grant (CDBG), HOME Investment Partnership Act (HOME), and Supportive Housing Program (SHP) meet or exceed the ACCGov requirements found within this document. The ACCGov HCD Department complies with all Federal statutes and regulations, follows applicable Federal directives and Executive Orders, and complies with the certifications and assurances as required by HUD regulations for CDBG at 24 CFR 570, for HOME at 24 CFR 92.504, and for SHP at 24 CFR, Part 583 in regard to the Title VI programs.

Section VIII: ACCGov Title VI Activities Related to the Airport

The ACCGov Airport (Airport) receives federal funds from the Federal Aviation Administration (FAA) and Georgia Department of Transportation (GDOT). The Airport complies with all Federal statutes and regulations, follows applicable Federal directives and Executive Orders, and complies with the certifications and assurances as required by the FAA and GDOT in regard to the Title VI programs.

Section IX: Complaint Procedures

A. Overview

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, and Civil Rights Restoration Act of 1987 relating to any program or activity administered by ACCGov, as well as by sub-recipients, consultants, and/or contractors. Intimidation or retaliation of any kind is prohibited by law.

B. Right to File Formal Complaints

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to resolve complaints informally at the ACCGov and sub-recipient level. The option of informal mediation meeting(s) between the affected parties and a designated mediator/the Title VI Coordinator may be utilized for resolution.

C. Procedures

1. Any individual, group of individuals, or entity that believes it has been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written formal complaint with ACCGov's Title VI Coordinator using ACCGov's Title VI Complaint Form found in Appendix C. The formal complaint must be filed in writing or in person by the complainant and/or his/her/their representative no later than 180 calendar days after the alleged discrimination occurred or after the alleged discrimination became known to the complainant. The complaint must meet the following requirements:

    a. Complaint shall be in writing and signed by the complainant(s).

    b. Include the date of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).

    c. Present a detailed description of the issues, including but not limited to names and job titles of those individuals perceived as parties in the complained-of incident.

    d. Generally, the Title VI Coordinator will acknowledge receipt of a complaint within 10 days of it being submitted and inform the complainant of action taken or any possible action to process the complaint; provided that the complaint must first provide the identity(ies) of the complainant(s) and affirm its intent to proceed with the complaint.

e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her/them to complete, sign, and return to the Title VI Coordinator for processing.

Failure of the complainant to respond to requests for information may result in dismissal of the complaint.

2. Upon receiving the written complaint, ACCGov will determine its jurisdiction, acceptability of the complaint, need for additional information, and the investigative merit of the complaint. In some situations, ACCGov may request GDOT's Office of Equal Employment Opportunity, or other relevant authoritative agency, to conduct the investigation. In the event GDOT handles the investigation, GDOT will follow its adopted procedures for investigating discrimination complaints, per its current Title VI Plan.

3. A complaint may be dismissed for the following reasons:

   a. The complainant requests the withdrawal of the complaint.

   b. The complainant fails to respond to repeated requests for additional information needed to process the complaint.

   c. The complainant cannot be located after reasonable attempts.

4. If the complaint is against a sub-recipient, consultant, or contractor, under contract with ACCGov, the appropriate sub-recipient, consultant, or contractor shall be notified of the complaint within fifteen (15) calendar days of ACCGov receiving the complaint.

5. Once ACCGov decides its course of action, the complainant and the respondent will be notified in writing of such determination within five (5) calendar days. The complaint will be logged in the Title VI Coordinator's records along with the basis for the allegation identified and the race, color, national origin, handicap/disability, age and sex of the complainant.

6. In cases where ACCGov assumes investigation of the complaint, the Title VI Coordinator will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days upon receipt, to furnish the Title VI Coordinator with his/her/their response to the allegations.

7. Within sixty (60) calendar days of acceptance of the complaint, the Title VI Coordinator (or GDOT investigator) will prepare a written investigative report. The

interrogations should be conducted in accordance with established practices administered by the Department of Justice. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition.

8. The investigative report will be reviewed by ACCGov Attorney's office (the "Attorney"). The Attorney may discuss the report and its recommendations with the Title VI Coordinator and other staff as appropriate. The report will be modified as needed and made final for its release to the complainant and respondent.

9. Once the investigative report becomes final, briefings will be scheduled with the complainant and respondent within fifteen (15) calendar days. Both the complainant and the respondent shall receive a copy of the investigative report during the briefings and will be notified of their respective appeal rights.

10. A copy of the investigative report and a copy of the complaint will be forwarded to the Georgia Department of Transportation Office of Equal Employment Opportunity, or other relevant and appropriate oversight entity, within sixty (60) calendar days of the completion of the briefings.

11. If the complainant or respondent is not satisfied with the results of the investigation of the alleged discriminator practice(s), he/she/they shall be advised of his/her/their rights to appeal ACCGov's decision to GDOT, the United States Department of Transportation (USDOT), U.S. Department of Justice (USDOJ), or other entity as appropriate. The complainant has one hundred eighty (180) calendar days after ACCGov's briefing to appeal. Unless new facts not previously considered come to light, reconsideration of ACCGov's opinion will not be available.

12. A Complaints Log shall be maintained annually by ACCGov. The Complaints Log will contain the following information for each complaint filed:

    - The name and address of the person filing the complaint
    - The date of the complaint
    - The basis of the complaint
    - The disposition of the complaint

13. ACCGov departments will not be allowed to investigate a formal complaint against itself.

Section X: Title VI Investigations, Complaints, and Lawsuits

In accordance with 49 CFR 21.9(b), the Unified Government of Athens-Clarke County (ACCGov) must record and report any investigations, complaints, or lawsuits involving allegations of discrimination. The records of these events shall include the date the investigation, lawsuit, or complaint was filed; a summary of the allegations; the status of the investigation, lawsuit, or complaint; and actions taken by the Unified Government of Athens-Clarke County in response; and final findings related to the investigation, lawsuit, or complaint. The records for the previous three (3) years shall be included in the Title VI Plan when it is submitted to GDOT or other funding agency.

ACCGov has received no investigations, complaints, or lawsuits involving allegations of discrimination from individuals regarding a federally-funded program or activity on the basis of race, color, or national origin over the past three (3) years. A summary of these incidents is recorded in Table 1.

Table 1: Summary of Investigations, Lawsuits, and Complaints

	Date **(MM/DD/YYYY)**	**Summary** (include basis of complaint: race, color, or national origin)	**Status**	**Action(s) Taken**
Complaints				
1.				
2.				
3.				
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				

Section XI: Education and Training

In keeping with the ACCGov Policy of Nondiscrimination, procedures will be established or followed for ACCGov employees to have equal access to applicable educational and training opportunities. The Title VI Coordinator will work with ACCGov staff to maintain program administration documentation and data necessary for preparation of the Annual Accomplishment and Goal Report. ACCGov staff will routinely supply the necessary data to the Title VI Coordinator.

1. National Highway Institute (NHI) Education

The Title VI Coordinator will establish policy for the selection of participants interested in taking part in the National Highway Institute Training workshops to ensure that no one is denied participation or subjected to discrimination on the basis of race, color, sex, or national origin. A report will be completed and forwarded to the Title VI Coordinator upon completion of each educational seminar or course throughout the course of the year, which shall include the name of each participant, his/her/their title, department, sex and ethnicity for use in completing the annual Title VI accomplishment report.

2. Title VI Training

The Coordinator may organize and facilitate the provision of Title VI training sessions for consultants, contractors, and subcontractors. GDOT's Office of Equal Employment Opportunity may be asked to provide applicable training.

3. Selection of Instructors

The Coordinator will ensure ACCGov policy is followed in the selection of instructors for ACCGov training courses/workshops, and ensure equal opportunity in the selection process for all training contracts. If an outside training contract is needed, ACCGov will provide accessibility to Minority/Women/Disadvantaged Business Enterprise consulting and training firms to compete for training contracts, in accordance with the Disadvantaged Business Enterprise (DBE) statement.

Exhibit 1: Title VI Notice to the Public

U.S. Department of Justice regulations, 28 Code of Federal Regulations, Section 42.405, Public Dissemination of Title VI Information, require recipients of Federal financial assistance to publish or broadcast information in news media. Advertisements must state that the program is an equal opportunity program and/or indicate that Federal law prohibits discrimination. Additionally, reasonable steps shall be taken to publish information in languages understood by the population eligible to be served or likely to be directly affected by the program. The following is the public notice used by ACCGov:

> The Unified Government of Athens-Clarke County, Georgia (ACCGov) hereby gives public notice that it is the policy of ACCGov to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. It is our policy that no person in the United States of America shall, on the grounds of race, color, national origin, sex, age, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities.
>
> Any person who believes he/she has been subjected to unlawful discriminatory practice under Title VI has a right to file a formal complaint. The formal complaint must be filed in writing or in person with the ACCGov Title VI Coordinator within one hundred-eighty (180) days from the date of the alleged discriminatory act or upon notice of the discriminatory act. Title VI Discrimination Compliant Forms may be obtained by going to the ACCGov's website or by calling the ACCGov Title VI Coordinator at (706) 613-3090.

Exhibit 2: Title VI Assurances Related to Transportation

A. Title VI Assurances for the Unified Government of Athens-Clarke County

The Unified Government of Athens-Clarke County, Georgia Mayor and Commission (hereinafter referred to as the "Recipient"), HEREBY AGREES THAT as a condition to receiving any federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives federal financial assistance from the Georgia Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This Assurance is required by Section 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances to its federal aid highway program.

1. That the Recipient agrees that each "program" and each "facility" as defined in Subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.

2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal Aid Highway Program, and in adapted form in all proposals for negotiated agreements:

> "The Unified Government of Athens-Clarke County, in accordance with Title VI of the Civil Rights Act of 1964 and 78 Stat. 252, 42 USC 2000d-42 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that any contract

entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not discriminate against bidders on the grounds of race, color, sex, or national origin in consideration for an award."

3. The Recipient shall insert the clauses of Section B of this Assurance in every contract subject to the Act and the Regulations.

4. That the Recipient shall insert the clauses of Section C of this Assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

5. That where the Recipient received federal financial assistance to construct a facility, or part of a facility, the Assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where Recipient received federal financial assistance in the form, or for the acquisition of real property, or an interest in real property, the Assurance shall extend rights to space on, or under, such property.

7. That the Recipient shall include the appropriate clauses set forth in Section D of this Assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of, or access to space on, over, or under, real property acquired or improved under the Federal Aid Highway Program.

8. That this Assurance obligates the Recipient for the period during which federal financial assistances is extended to the program, or is in the form of personal property, or real property or interest thereon or structures or improvements thereon, in which case the Assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

9. The Recipient shall provide for such methods of administration for the program by the Secretary of Transportation, or the official to whom is delegated specific authority, to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other

participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial endorsement with regard to any matter arising under the Act, the Regulations, and this Assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all federal grants, loans, contracts, property, discounts or other federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this Assurance on behalf of the Recipient.

_____ _____

(Date) (Recipient)

By: _____

(Signature of Authorized Official)

B. Title VI Assurances for Consultants, Contractors, Subcontractors, Suppliers and Manufacturers

The text below, in its entirety, shall be incorporated in all contracts entered into by ACCGov related to transportation projects utilizing Federal funding sources. All of the text, except the final section, entitled "Incorporation of Provisions," should be included in any contract entered into by any ACCGov contractor related to transportation projects.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor"), agree as follows:

1. Compliance with Regulations

   The Contractor shall comply with the Regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter referred to as "DOT"), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made part of this contract.

2. Nondiscrimination

   The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurement of Materials and Equipment

   In all solicitations either by competitive bidding or negotiations made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the ground of race, color, sex, or national origin.

4. Information and Reports

   The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by ACCGov or the Georgia Department of Transportation (GDOT) or

the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to ACCGov, GDOT, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, ACCGov and GDOT shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

- Withholding of payments to the Contractor under the contract until the Contractor complies; and/or
- Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions

The Contractor shall include the provisions of paragraphs (1) through (5) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The Contractor shall take such action with respect to any subcontractor or procurement as ACCGov, GDOT, or the Federal Highway Administration may direct as a means of enforcing such provision, including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request ACCGov to enter into such litigation to protect the interests of ACCGov and, in addition, the Contractor may request GDOT to enter into such litigation to protect the interest of the State and/or the United States to enter into such litigation to protect the interest of the United States.

C. Granting and Habendum Clauses

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures, or improvements thereon, or interest therein from the United States.

1. Granting Clause

NOW, THEREFORE, the Unified Government of Athens-Clarke County is authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, and Regulations for the Administration of Federal Aid for Highways; the policies and procedures prescribed by the Federal Highway Administration of the Department of Transportation; and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 USC 2000d to 2000d-4) – does hereby remise, release, quitclaim, and convey unto ACCGov all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

2. Habendum Clause

TO HAVE AND TO HOLD said lands and interests therein unto the Unified Government of Athens-Clarke County, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Unified Government of Athens-Clarke County, its successors, and assigns.

The Unified Government of Athens-Clarke County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree, as a covenant running with the land for itself, its successors and assigns, that (1) no person shall, on the grounds of race, color, sex, disability, national origin, age, or religion, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed*, (2) that the Unified Government of Athens-Clarke County shall use the lands, and interests in lands so

conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination of Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended, (3) that in the event of breach of any of the above mentioned nondiscrimination conditions, the agency shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in, and become absolute property of, the Department of Transportation and its assigns as such interest existed prior to this instruction.[1]

[1] Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

D. Lease/Deed Provisions

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by ACCGov pursuant to the provisions of Assurance 6:

> The (PURCHASER/LESSEE/PERMITTEE), for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land, that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (DEED/LEASE/PERMIT), for a purpose for which a Unified Government of Athens-Clarke County program or activity is extended, or for another purpose involving the provision of similar services or benefits, the (PURCHASER/LESSEE/PERMITEE) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.
>
> That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to terminate this (DEED/LEASE/PERMIT), and to reenter and repossess said land and the facilities thereon, and hold the same as if said (DEED/LEASE/PERMIT) had never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by ACCGov pursuant to the provisions of Assurance 6:

> The (PURCHASER/LESSEE/PERMITEE), for himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant, and agree as a covenant running with the land, that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (PURCHASER/LESSEE/PERMITEE) shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code

of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to terminate the [LICENSE/LEASE/PERMIT] and to reenter and repossess said land and the facilities thereon, and hold the same as if said [LICENSE/LEASE/ PERMIT] had never been made or issued.

That in the event of breach of any of the above nondiscrimination covenants, the Unified Government of Athens-Clarke County shall have the right to reenter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the Unified Government of Athens-Clarke County and its assigns.

Exhibit 3: Title VI Assurances Related to Department of Treasury Programs, including American Rescue Plan Act Funds[2]

As a condition of receipt of federal financial assistance from the Department of Treasury, the Unified Government of Athens-Clarke County (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.

2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written

[2] OMB Approved No. 1505-0271

translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.

3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit http://www.lep.gov.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.

5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

> *The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.*

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.

7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation,

arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.

9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Appendix A: Organizational Chart

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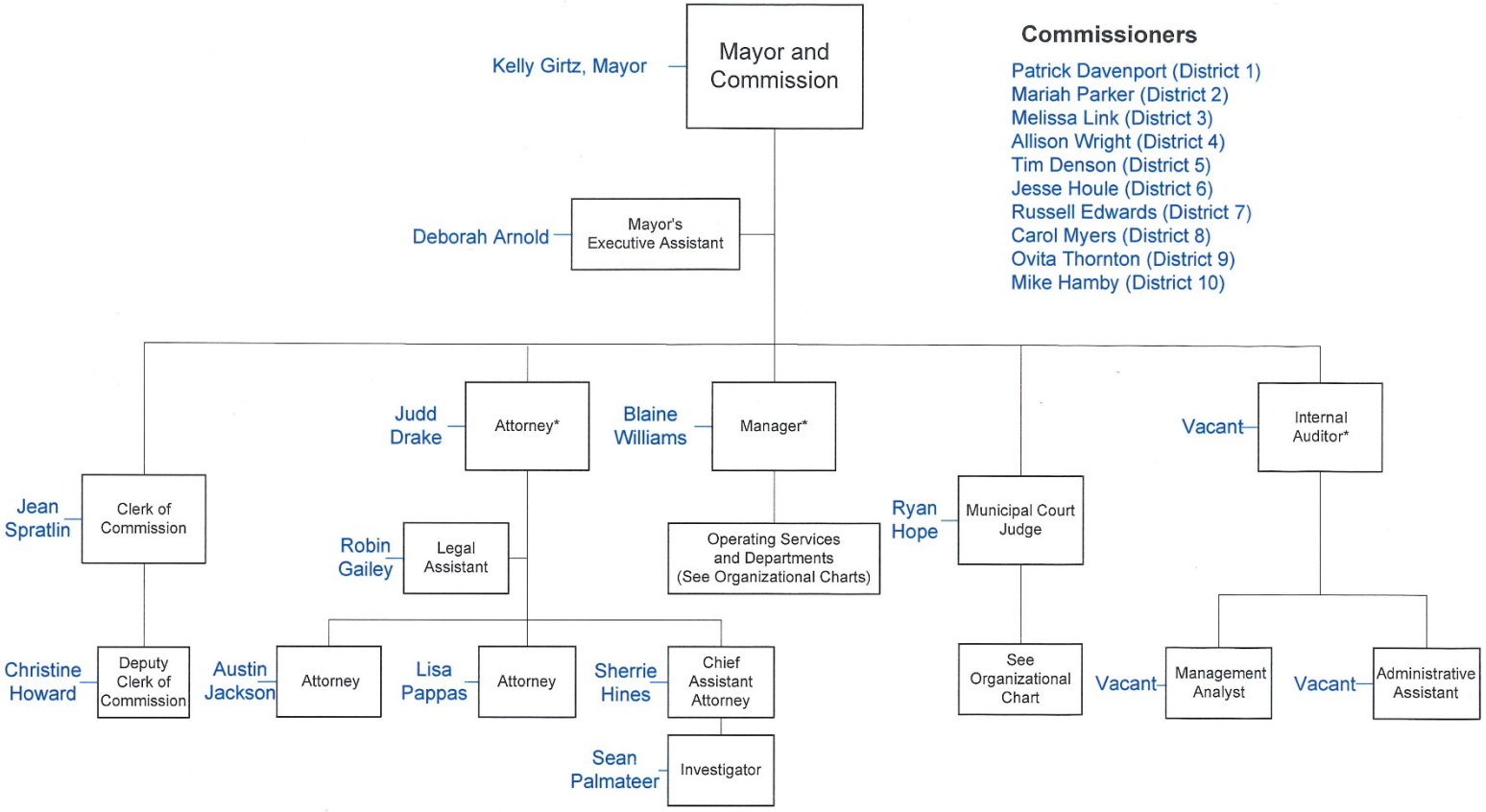
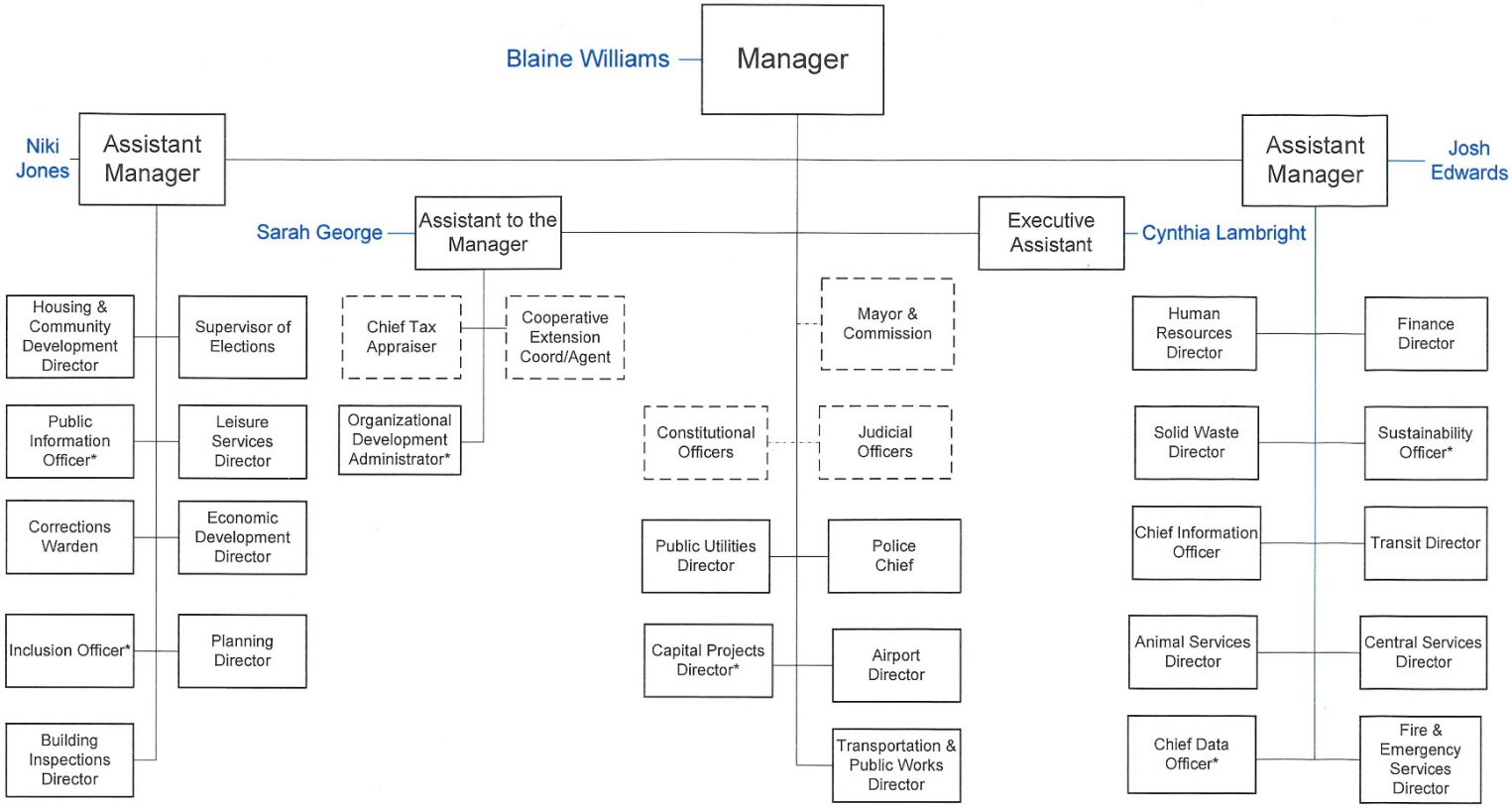
Mayor and Commission



*Charter Officers

Kelly Girtz, Mayor — Date: 4/26/2022

Manager's Office

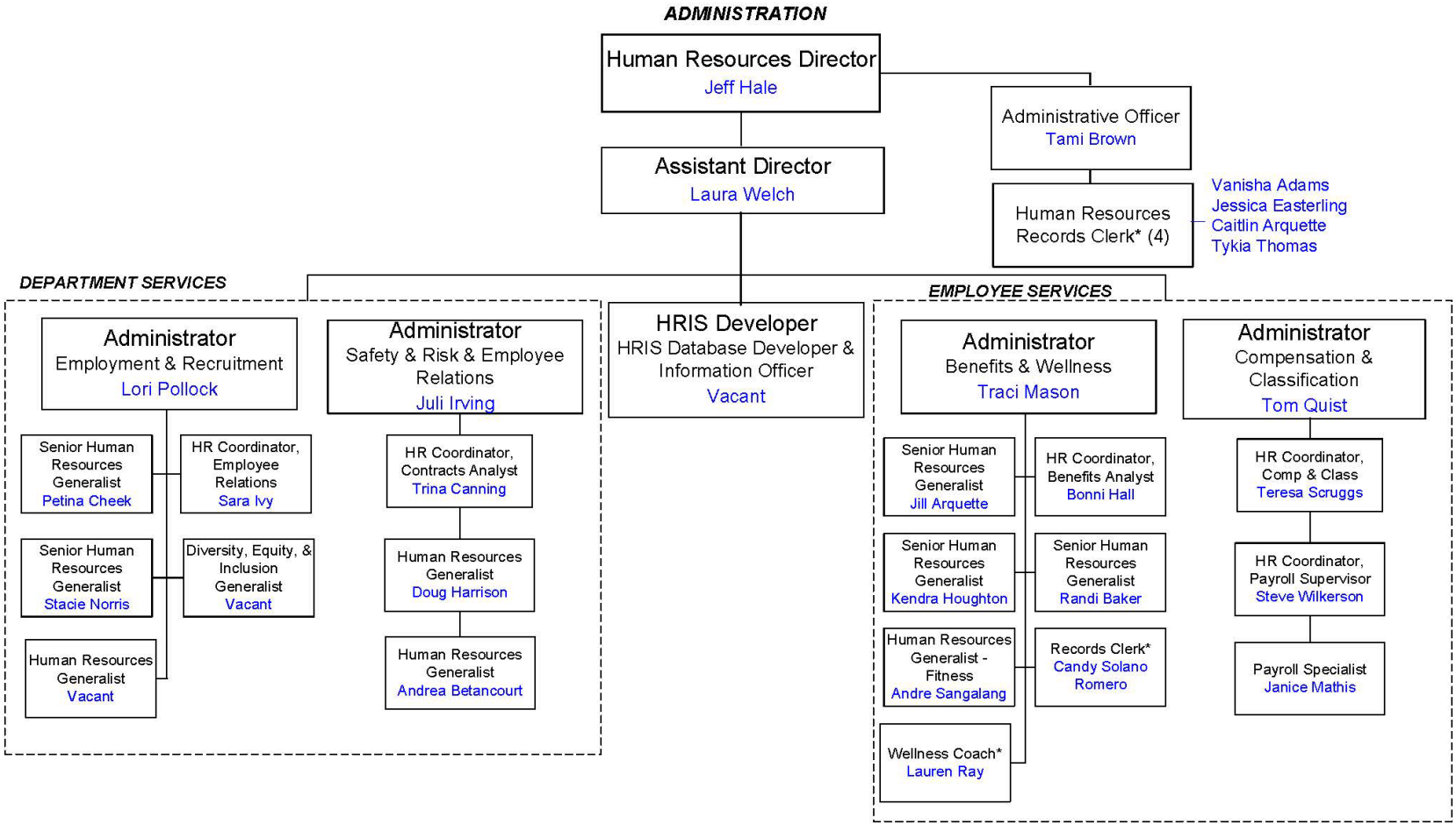


* Sections of Managers Office
---------- Appointed by others

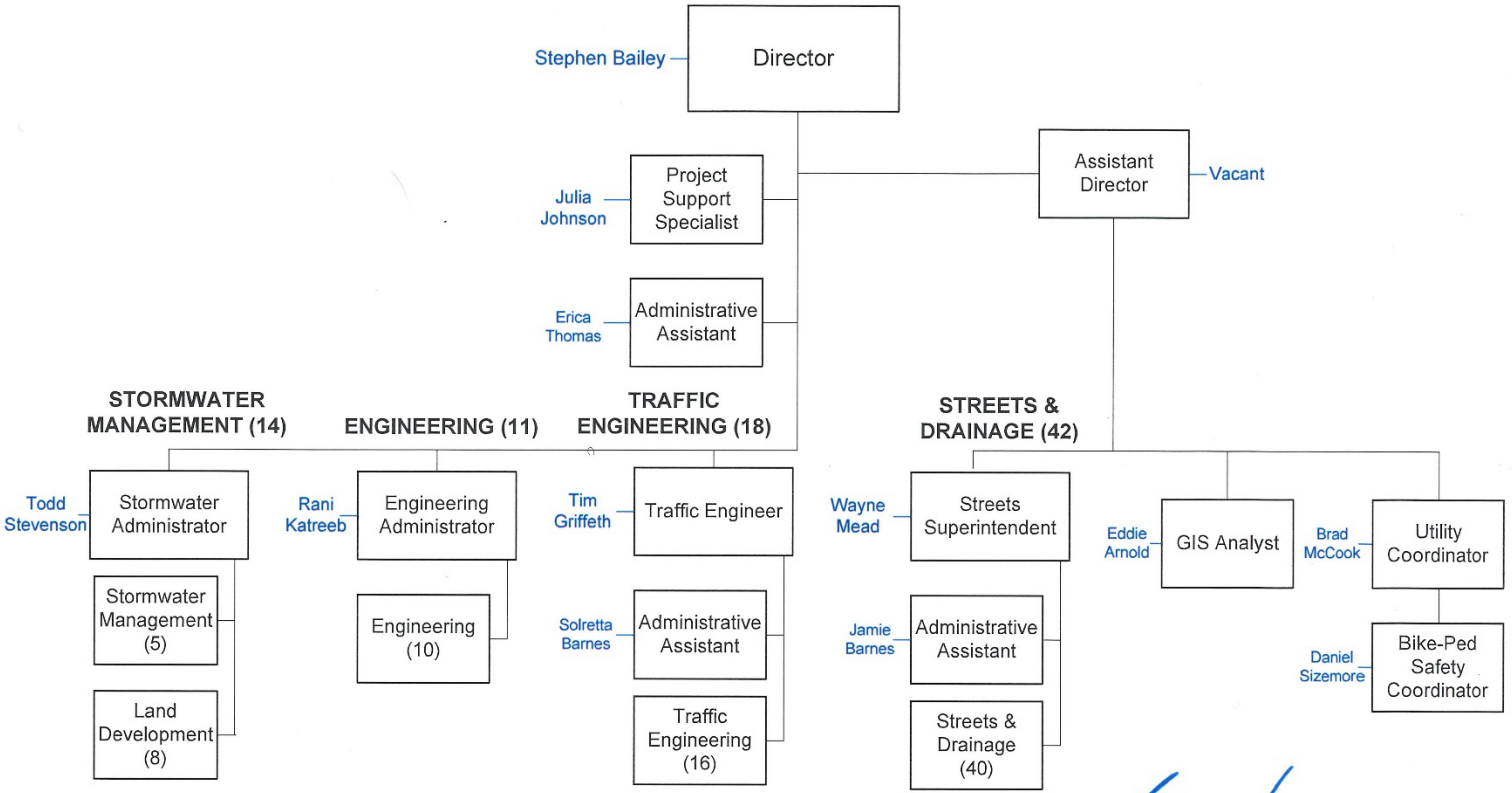
4/26/22

Blaine Williams — Date
Unified Government of Athens-Clarke County Manager

Human Resources Department



Transportation and Public Works Department



Stephen Bailey 11/29/21
Stephen Bailey — Date
Director

Total Authorized Positions: 92 Full-time
Part-time Without Benefits: 3

1/21/22
Blaine Williams — Date
Unified Government of Athens-Clarke County Manager

Appendix B: Title VI Public Involvement Questionnaire

Title VI of the Civil Rights Act of 1964 requires ACCGov to be sure that everyone in the affected project areas has a chance to be heard and to respond to programs and activities that may affect their community.

To help with that, we ask that you voluntarily provide us information about your race, ethnicity, gender, and/or disability. **You are not required to disclose the information requested in order to participate in this meeting. The completion of this questionnaire is strictly voluntary, and completion is not required by law.**

For further information regarding this process, please contact Juli Irving, Human Resources Department, Safety & Risk Administrator / Title VI Coordinator, Human Resources Department, 375 Satula Avenue, Athens, Georgia 30601, phone 706-613-3090, or by email at Juliana.Irving@accgov.com.

Please respond to the following questions:

Project Name	Date
Location of Public Meeting	

Name (Optional) (Please print)	Gender: ☐ Male ☐ Female
General Ethnic Identification Categories (Check as many as apply) ☐ African American ☐ American Indian/Alaskan Native ☐ Asian/Pacific Islander ☐ Caucasian ☐ Hispanic ☐ Other _____	
Race and/or Color	National Origin
Any Disability? Circle: Yes No Please explain:	

After you have completed this form, please place it inside the designated box on the registration table.

Thank you for your participation!

Appendix C: Title VI Complaint Form

Title VI of the 1964 Civil Rights Act requires that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Note: The following information is necessary to assist the Unified Government of Athens-Clarke County (ACCGov) in processing your complaint. Should you require any assistance in completing this form, please contact the Title VI Coordinator. Complete and return this form to Juli Irving, Safety & Risk Administrator/Title VI Coordinator, Human Resources Department, 375 Satula Avenue, Athens, Georgia 30601, phone 706-613-3090, or by email at Juliana.Irving@accgov.com.

1. Complainant's Name _____
2. Address_____
3. City, State and Zip Code_____
4. Telephone Number (home) _____(business)_____
5. Person discriminated against (if someone other than the complainant)

   Name_____

   Address_____

   City, State and Zip Code_____

6. Which of the following best describes the reason you believe the discrimination took place? Was it because of your:

   a. Race/Color_____
   b. National Origin_____
   c. Other _____

7. What date did the alleged discrimination take place? _____
8. In your own words, describe the alleged discrimination. Explain what happened and whom you believe was responsible. Please use the back of this form if additional space is required.

   _____

   _____

   _____

_____

_____

_____

_____

_____

_____

9. Have you filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No

   If yes, check all that apply:

   _____Federal agency _____ Federal court _____State agency
   _____State court _____Local agency

10. Please provide information about a contact person at the agency/court where the complaint was filed.

    Name_____
    Address_____
    City, State, and Zip Code _____
    Telephone Number _____

11. Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

    _____ _____
    Complainant's Signature Date

Appendix D: Minority Business Enterprise Statement

The Unified Government of Athens-Clarke County Minority Business Enterprise Statement

June 30, 2015

The MBE Policy statement has remained as current practice and is listed on all bid documents, which says....

"It is the policy of the Athens-Clarke County government that no person or business shall be excluded from participation, denied the benefits of, or otherwise discriminated against in relation to the award and performance of any contract or subcontract on the grounds of race, color, creed, national origin, age, or sex. This policy will be incorporated in all bid announcements and contract requirements."

Appendix E: Equal Employer Opportunity Policy Statement

The Unified Government of Athens-Clarke County

Equal Employer Opportunity Policy Statement

August 29, 2019

The EEO Policy statement has remained as current practice and is listed on www.accgov.com, which says....

Equal Employment / Diversified Workforce Statement

It is the policy of the Athens-Clarke County Unified Government (ACC) to provide equal opportunity to any applicant or employee in all aspects of the personnel system and employment process. Employment with ACC is based upon personal capabilities and qualifications without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, citizenship, age, disability, or pregnancy. Exceptions may be made where a specific age, sex, or physical requirement constitutes a bona fide occupational qualification necessary to proper and efficient administration.

The personnel system shall at all times be conducted in accordance with the guidelines of the U.S. Civil Service Commission and the regulatory provisions of the Civil Rights Acts. It is the intention of ACC to fully comply with all applicable federal laws. As such, the government will not discriminate against qualified individuals on the basis of a disability in consideration of any terms and conditions of employment or in admission and access to programs, services, and activities. In achieving compliance, the government may provide reasonable accommodations to enable an otherwise qualified employee to perform the essential requirements of his or her job.

It is also the policy of ACC to provide a diversity program in order to create and maintain a positive environment where the differences of all ACC employees are recognized, understood, and valued. Through this process, ACC employees may fully participate in achieving their full potential to maximize their contribution to ACC and the community.

For more information on our policy, contact us at 706-613-3090.

Appendix F: Limited English Proficiency (LEP) Plan

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounter. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that: "Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

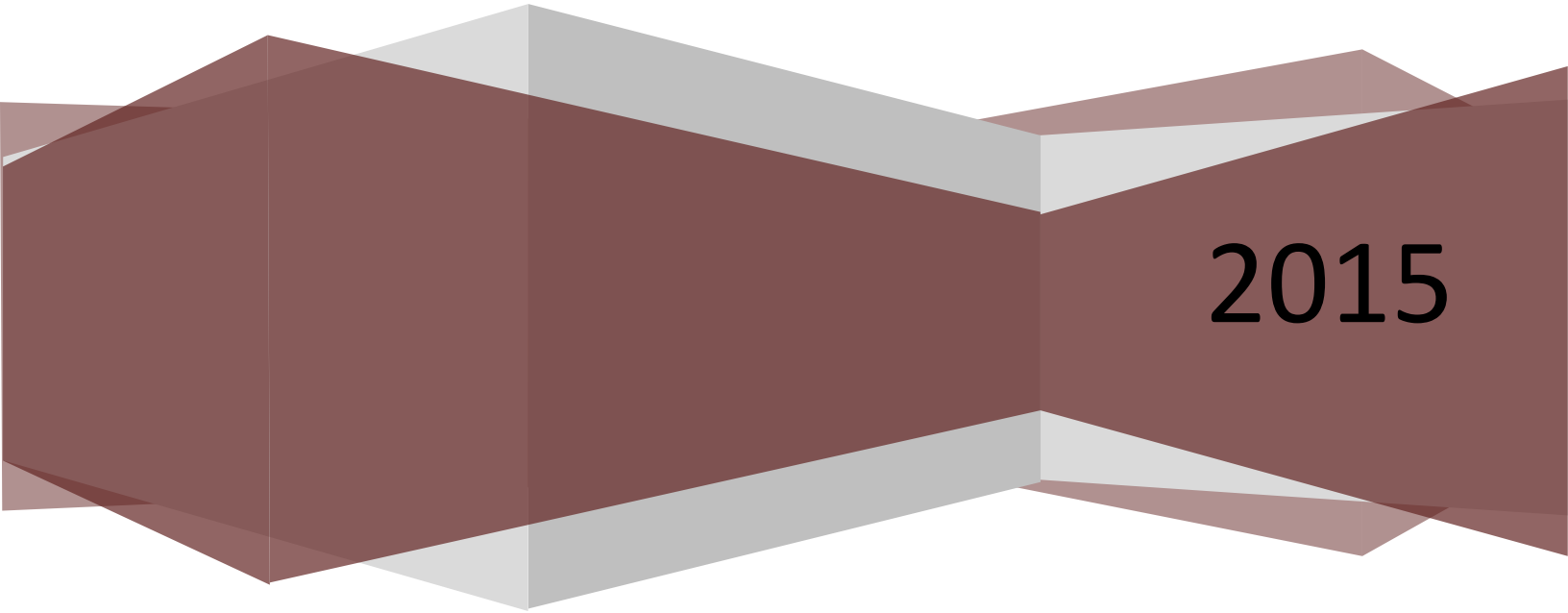
The Unified Government of Athens-Clarke County's Limited English Proficiency (LEP) Plan[3] is a distinct from the Title VI plan and has been provided.

[3] ACCGov anticipates updating the LEP plan between 2022-2023.

Unified Government of Athens-Clarke County (ACCUG)

Limited English Proficiency Plan

Draft June 30, 2015



Limited English Proficiency Plan

for the

Unified Government of Athens-Clarke County

Draft

June 30, 2015

Prepared By:

The Unified Government of Athens-Clarke County

The Limited English Proficiency Plan (LEP) is established pursuant to and in accordance with Title VI of the Civil Rights Act and Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency."

The opinions, findings, and conclusions in this publication are those of the author(s) and are not necessarily those of the Federal Transit Administration, Federal Highway Administration, Georgia Department of Transportation, or other federal or state agency.

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Introduction

On August 11, 2000, President William J. Clinton signed Executive Order 13166, "Improving Access to Service for Persons with Limited English Proficiency," to clarify Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the grounds of race, color, or national origin by any entity receiving federal financial assistance. Administrative methods or procedures that have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations are prohibited. The purpose of Executive Order 13166 is to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

Purpose

The purpose of this Limited English Proficiency (LEP) Plan is to demonstrate compliance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166. The LEP Plan is for persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. Such persons may be eligible to receive language assistance with respect to a particular service, benefit, or encounter. This Plan will examine the services and products provided by the Unified Government of Athens-Clarke County (ACCUG). The Plan will outline current accommodations made for LEP persons and possible future accommodations that can and/or should be made to make these services and products more accessible to LEP persons.

Four Factors to Formulate an LEP Plan

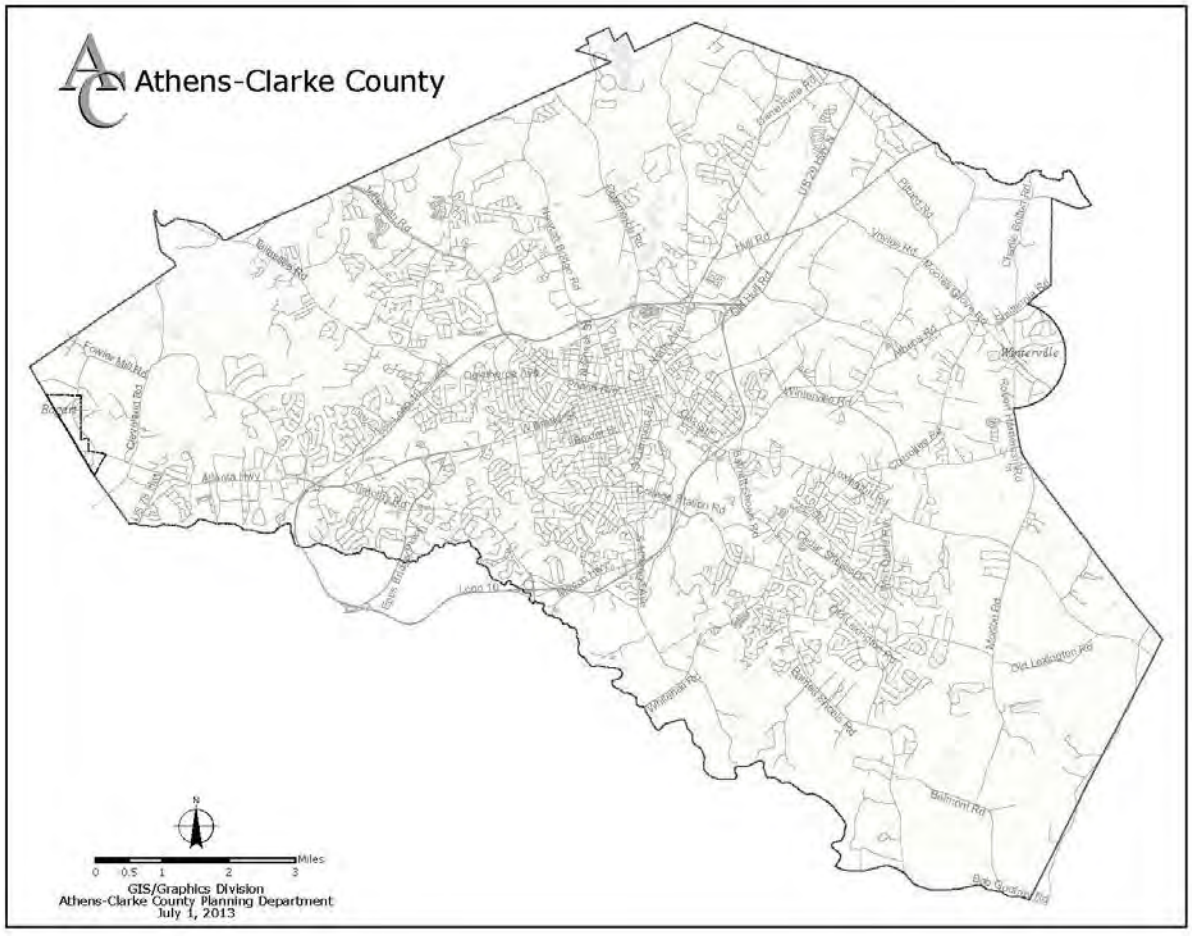
In determining how to provide effective and meaningful access for LEP customers, the U. S. Department of Transportation (DOT) has established the following four guidelines to consider in determining "reasonable steps" to be taken by ACC:

1. The number or proportion of LEP persons served or encountered in the eligible service population;
2. The frequency with which LEP persons encounter the services, programs, or activities provided;
3. The nature and importance of the services, programs, or activities; and
4. The resources available to the program and the costs of providing interpretation/translation services.

Unified Government of Athens-Clarke County

The city of Athens was chartered in 1872. Athens and Clarke County were unified under one government in 1990. The Unified Government of Athens-Clarke County (ACCUG) serves an area of only 122 square miles, but it is home to approximately 130,000 and serves as a regional commercial and cultural center. With almost 35,000 University of Georgia students living in ACC, the community is highly educated and youthful. The median age of a resident of ACC is 25.9 years.

Figure 1: Map of Athens-Clarke County



ACCUG provides products and services to its citizens through 39 departments / offices and approximately 1,600 employees. Table 1 shows the current departments / offices and number of employees as of FY 2014.

Table 1 – Athens-Clarke County Departments / Offices in ACC and Employees

Department	Number of Positions	Department	Number of Positions
Attorney	6	Planning	20
Auditor	3	Police	302
Mayor & Commission	1	Public Utilities	195
Clerk of Commission	2	Solid Waste	66
Public Information	2	Transit	60
Superior Court	26	Transportation & Public Works	92
State Court	10	Board of Elections	3
Magistrate Court	11	Cooperative Extension	1
Probate Court	5	Tax Assessor	13
Municipal Court	10	SPLOST	3
Juvenile Court	4	Manager's	5
District Attorney	13	Leisure Services	73
Solicitor General	15	Human Resources	20
Clerk of Superior Court	18	Housing & Community Dev.	8
Tax	19	Organizational	3

Commissioner		Development	
Sheriff	183	Finance	27
Airport	7	Corrections	43
Building Inspections	23	Economic Dev.	3
Computer Information Services	19	Fire & Emergency Services	187
Central Services	85	TOTAL	1,586

Limited English Poficiency Analysis

This plan uses the four factors outlined by the US Department of Transportation to determine the level and extent of language assistance necessary to reasonably ensure meaningful access to local government services within Athens-Clarke County. Data used in this analysis was obtained from the U.S. Census Bureau, either from the decennial Census or the American Community Survey's 5-year estimate. Recommendations are based on the results of the analysis including the available data.

Factor 1: The number of LEP persons served in the eligible service population

The demographic profile of the population in Athens-Clarke County is illustrated in Table 2. ACC has a total population of 128,906 according to the Census Bureau's racial breakdown. The racial and ethnic breakout is as follows:

Table 2 – Total 'Speakers' by Race Age 5 – 65+

Census Source	Race	Athens-Clarke Co.
QT-P4	Caucasian	72,238
QT-P4	African American	30,988
QT-P10	Hispanic	12,192
QT-P4	Other Race	5,763
QT-P4	Asian	4,869
QT-P4	Two or More Races	2,525
QT-P4	American Indian	247
QT-P4	Hawaiian / Islander	84
	Total	128,906

Source: US Census Bureau 2010, SF1 – Forms QT-P4 (Race, Combination of Two Races, and Not Hispanic or Latino) and QT-P10 (Hispanic or Latino by Type)

Though the total number of speakers for Athens-Clarke County is 128,906, the LEP analysis is based upon the Census data reported for persons ages 18-65. This age group represents the 'customers' of ACCUG. Services and products provided by ACCUG impact the lives of all ages within Athens Clarke-County. However, it is the 18 – 65+ age group that represent the target audience and customer base of products developed by ACCUG. Table 3 shows the number of total speakers in the 18 - 65+ age group broken out by race in ACCUG. The number of total speakers in the 18 – 65+ age group is 104,224. This is the total that was used as a basis for the analysis of the number of LEP individuals in ACC.

Table 3 - Total 'Speakers' by Race Age 18 - 65+

Census Source	Race	Athens-Clarke County
P10	Caucasian	63,968
P10	African American	22,492
P11	Hispanic	7,933
P10	Asian	4,290
P10	Other Race	3,669
P10	Two or More Races	1,632
P10	American Indian	181
P10	Hawaiian / Islander	59
	Total	104,224

Source: US Census Bureau, Census 2010, SF1 – Form P10 (Race for the Population 18 years and over) and P11 (Hispanic or Latino by Race for the Population 18 years and over)

Table 4 shows the 10 most prevalent languages spoken in Athens-Clarke County as reported by the U.S. Census Bureau. This data includes all age brackets from 5 years old and up. A more detailed breakdown of the data was not available from the U.S. Census Bureau.

Table 4 – Top Ten Languages Spoken in Athens-Clarke County

5 years and over population	107,985	
English	93,550	86.6%
Spanish or Spanish Creole	8,963	8.3%
Chinese	1,067	1.0%
Korean	638	0.6%
French (incl. Patois, Cajun)	462	0.4%
Arabic	389	0.4%
Other Indo-European Langs	366	0.3%
German	296	0.3%
Other Indic Langs	275	0.3%
African Langs	228	0.2%
Total	106,234	

Source: U.S. Census Bureau, American Community Survey 5-yr Estimate: 2006 –2010; B16001 – Language Spoken at Home By Ability to Speak English for Population 5 years and older (county level)

The Census Bureau has four classifications for how well people speak English. The classifications are 'very well', 'well', 'not well', and 'not at all'. For the purposes of the LEP Plan, people who were categorized as speaking English 'not well' or 'not at all' by the U.S. Census Bureau have been considered to be Limited English Proficient persons. As Table 5 shows, Athens-Clarke County has 3.5% of the 18 year old and over population identified as LEP individuals.

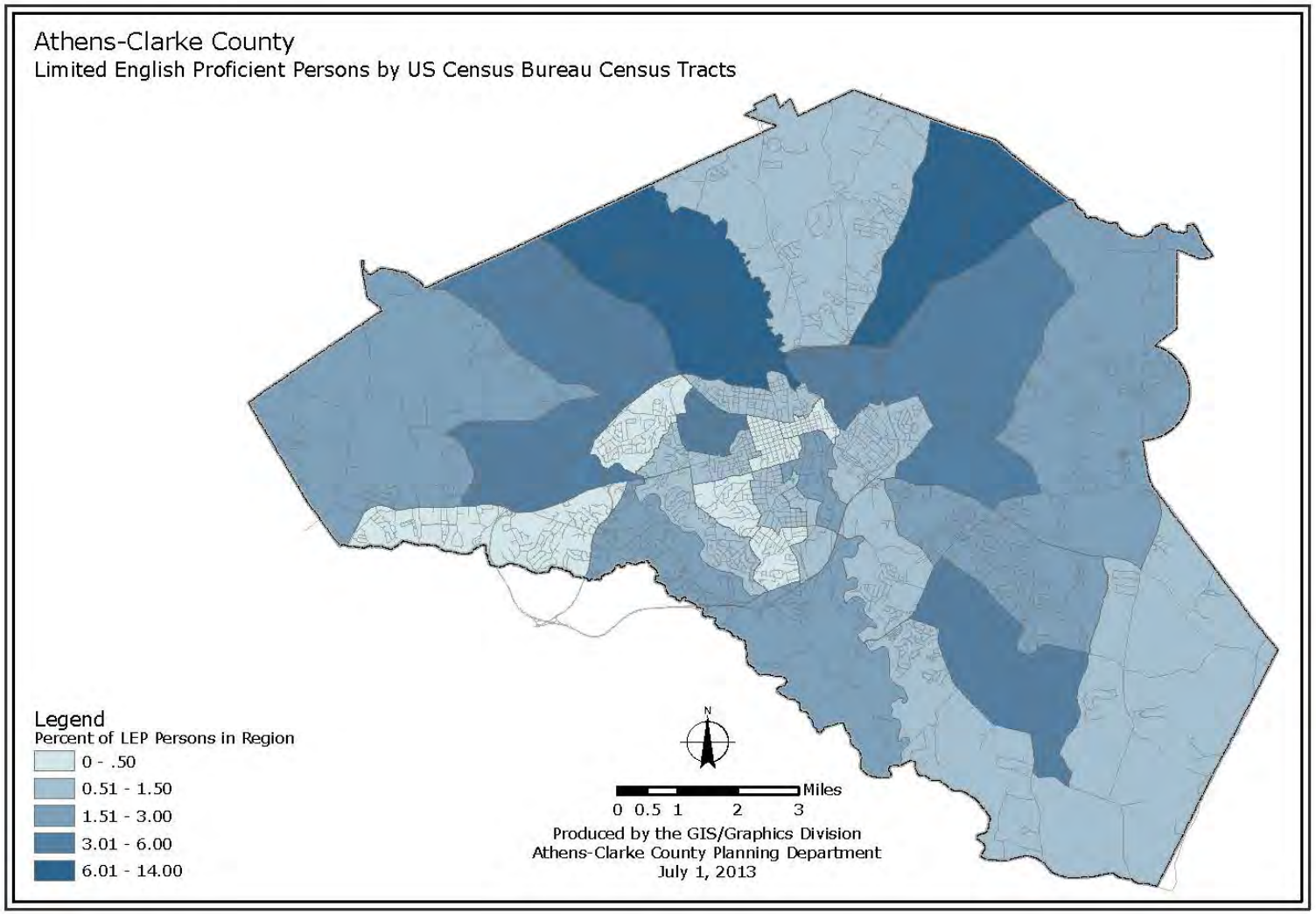
Table 5 – Total Limited English Proficient Speakers
18 years of age and over

	Total Speakers	**Total LEP Individuals**	**Total % LEP Individuals**
Athens-Clarke Co.	104,224	3,649	3.5%

Source: U.S. Census Bureau, American Community Survey 5-yr Estimate: 2006 – 2010; B16004 – Age by Language Spoken at Home by Ability

Figure 2 on the following page illustrates graphically the density of LEP persons by census tract in Athens-Clarke County.

Figure 2: Concentrations of LEP persons (18+ years of age) by Census Tract within Athens-Clarke County



Factor 2: The frequency with which LEP persons encounter the services provided.

ACCUG has relatively little contact with LEP persons in the course of local government business, although some departments have more frequent contact than others. ACCUG departments were voluntarily surveyed in regards to their interactions with LEP individuals during an average week. Table 6 shows the ACCUG number of customers and the number of LEP persons on a weekly basis. LEP individuals make up approximately 1.5% of the total ACCUG customers weekly.

Table 6 – Limited English Proficiency Customers of ACCUG

Department	People Encountered Weekly	LEP Persons Encountered Weekly	% LEP
Sheriff / Jail	10,420	419	4.0%
Transit	34,270	70	0.2%
Airport	0	0	0.0%
CIS	0	0	0.0%
Trans & Public Works	700	10	1.4%
Finance	100	3	3.0%
Superior Court	500	10	2.0%
Clerk of Commission	75	2	2.7%
Tax Commissioner	2,450	20	0.8%
Planning	700	2	0.3%
Building Inspections	275	5	1.8%
Housing & Comm. Dev.	0	0	0.0%
Corrections	20	0	0.0%
Public Information	75	2	2.7%
SPLOST	37	1	3.4%
Tax Assessor	150	25	16.7%
Leisure Services	1,800	20	1.1%
Juvenile Court	200	7	3.5%
State Court	125	2	1.6%
Solid Waste	30	0	0.0%
Human Resources	200	1	0.5%
Police	5,000	68	1.4%
Central Services	300	10	3.3%
Board of Elections	75	5	6.7%
Magistrate Court	708	65	9.2%
Economic Development	75	0	0.0%
Municipal Court	750	150	20.0%
Cooperative Extension	60	1	1.7%
Fire/EMS	685	6	0.9%
Grand Total	**59,780**	**904**	**1.5%**

Factor 3: The nature and importance of the services and programs.

Being a consolidated government, ACCUG is responsible for all local government services within Athens Clarke County, with the exception of the cities of Bogart and Winterville. Local government services attend to some of the basic needs of citizens, including public safety, transportation, infrastructure, and quality of life. Denial or delay of access to services or information provided by ACCUG could have an adverse effect on LEP individuals.

Factor 4: The Resources Available to the ACCUG and Overall Cost

ACCUG serves a very small percentage of LEP persons overall on a regular basis, less than 1.5 % or of the total population. Providing translation assistance to LEP persons would be funded entirely from the General Fund and would compete with other operational requirements for funding.

Given the small number of LEP people within Athens Clarke County budget, it would be burdensome and not effective to hire full-time interpreters. It is appropriate, however, particularly for those departments with higher interactions with LEP persons, to have periodic staff training in Spanish, and to have key documents or process translated into Spanish.

Providing Notice to LEP Persons

ACCUG will provide statements offering language assistance in public information, public notices, and on the ACCUG website to those persons requiring language assistance or special accommodations.

Implementation of LEP Initiatives

With advance notice of three to seven calendar days, ACCUG will provide interpreter services at public meetings. Interpreters will provide services for both foreign language needs and the needs of the hearing impaired. Public notices will provide the contact information for this service.

The Athens Transit System (ATS) is providing many services to LEP persons currently. ATS schedules are available in Spanish and Braille. A picture book was developed that shows how to ride “The Bus” for non-English speakers. The ATS website includes a mechanism to translate the content into one of several languages. There are currently four ATS staff members that speak Spanish fluently and are available to assist in interpretation as needed. ATS actively markets to the Spanish-speaking population.

Athens-Clarke County Unified Government Staff Training

ACCUG staff members are provided training on the requirements for providing meaningful access to services for LEP persons as part of their employee orientation. Additional training opportunities will be provided periodically to ACCUG employees, including ongoing Workplace

Spanish classes, particularly for those departments with more frequent interaction with LEP persons.

Athens Transit Service (ATS) staff members receive training regarding the Limited English Proficiency regulations and available resources as part of the Sensitivity Training at New Employee Orientation. Periodic refresher courses are provided as part of ATS monthly staff meetings. ATS staff has access to take classes in Command Spanish through the Unified Government of Athens-Clarke County periodically. Twenty copies of Rosetta Stone's Spanish class have been purchased by ATS for use by employees who desire to learn Spanish voluntarily. It is available for use by all ACCUG employees, and is located at the ATS Operations and Maintenance Facility.

LEP Plan Access

ACCUG will post the LEP Plan on their website at www.athensclarkecounty.com. Anyone with internet access will be able to access the plan. For those without personal Internet service, several area libraries offer free Internet access. Digital versions or hardcopies of the LEP Plan will be provided to the public through the ACCUG Human Resources Department. Copies will be provided to the Georgia Department of Transportation.

Any questions or comments regarding this plan should be directed to the Office of the Internal Auditor of the Unified Government of Athens-Clarke County staff:

Unified Government of Athens-Clarke County
Office of the Internal Auditor
301 College Avenue
Athens, GA 30605
Phone (706) 613-3012
Email: auditor@athensclarkecounty.com

TITLE VI
NON-DISCRIMINATION AGREEMENT

The Georgia Department of Transportation
and

_____

Name of Recipient

Policy Statement

The ***(Name of Recipient)*** _____, *hereinafter referred to as the "Recipient"* assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Recipient further assures every effort will be made to ensure non-discrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include **all** programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not.

In the event the Recipient distributes federal aid funds to a sub-recipient, the Recipient will include Title VI language in all written agreements and will monitor for compliance.

The Recipient's ***(Name of person/division)*** _____, is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

_____
Name of Responsible Agency Official (Please Print)

_____
Title

_____
Date

Title VI Program

Organization and Staffing

Pursuant to 23 CFR 200, ***(Name of Recipient)*** _____has appointed a Title VI Specialist who is responsible for **Attachment 1**, which describes the hierarchy for ***(Name of Recipient)'s*** _____Title VI Program, including an organization's chart illustrating the level and placement of Title VI responsibilities.

Assurances

49 CFR Part 21.7

The _____, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the recipient regardless of whether those programs and activities are Federally funded or not. Activities and programs which the recipient hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:

    - List all major programs and activities of the recipient and Title VI responsibilities for each one of them. Include information as **Attachment 2** to this Nondiscrimination Agreement.

2. That it will promptly take any measures necessary to effectuate this agreement.

3. That each program, activity, and facility as defined at 49 CFR 21.23(b) and (e), and the Civil Rights Restoration Act of 1987 will be (with regard to a program or activity) conducted, or will be (with regard to a facility) operated in compliance with the nondiscriminatory requirements imposed by, or pursuant to, this agreement.

4. That these assurances are given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the recipient by the Georgia Department of Transportation (GDOT) under the Federally-Funded Program and is binding on it, other recipients, subgrantees, contractors, sub-contractors, transferees, successors in interest and other participants. The person or persons whose signatures appear below are authorized to sign these assurances on behalf of the Recipient.

5. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federally-Funded programs and, in adapted form all proposals for negotiated agreements.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 23 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

6. That the Recipient shall insert the clauses of Appendix A of this Agreement in every contract subject to the Act and the Regulations.

7. That the Recipient shall insert the clauses of Appendix B of this Agreement, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

8. That the Recipient shall include the appropriate clauses set forth in Appendix C of this Agreement, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under a Federal Aid Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under a Federal Aid Program.

9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this agreement.

Implementation Procedures

This agreement shall serve as the recipient's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

1. grants and loans of Federal funds,

2. the grant or donation of Federal property and interest in property,

3. the detail of Federal personnel,

4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and

5. any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The recipient shall:

1. Issue a policy statement, signed by the head of the recipient, which expresses it's commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the recipient's organization and to the general public. Such information shall be published where appropriate in languages other than English.

2. Take affirmative action to correct any deficiencies found by GDOT or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The head of the recipient shall be held responsible for implementing Title VI requirements.

3. Establish a civil rights unit and designate a coordinator who has a responsible position in the organization and easy access to the head of the recipient. This unit shall contain a Title VI Specialist, who shall be responsible for initiating and monitoring Title VI activities and preparing required reports.

4. Adequately staff the civil rights unit to effectively implement the civil rights requirements.

5. Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the recipient's report

of investigation, will be forwarded to GDOT's Office of Equal Employment Opportunity (OEEO) within 10 days of the date the complaint was received by the recipient.

6. Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the recipient.

7. Conduct Title VI reviews of the recipient and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.

8. Conduct training programs on Title VI and related statutes.

9. Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.

    a) **Annual Work Plan**

    Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.

    b) ***Accomplishment Report***

    List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Specialist and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Specialist. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the recipient.

Discrimination Complaint Procedure

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the recipient. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the recipient's Title VI Specialist for review and action.

2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:

    a) The date of alleged act of discrimination; or

    b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the recipient or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an officer or employee of the recipient, the person shall be interviewed by the Title VI Specialist. If necessary, the Title VI Specialist will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the recipient's investigative procedures.

4. Within 10 days, the Title VI Specialist will acknowledge receipt of the allegation, inform the complainant of action taken or proposed action to process the allegation, an advise the complainant of other avenues of redress available, such as GDOT and USDOT.

5. The recipient will advise GDOT within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to GDOT:

    a) Name, address, and phone number of the complainant.

    b) Name(s) and address (es) of alleged discriminating official(s).

    c) Basis of complaint (i.e., race, color, national origin or sex)

    d) Date of alleged discriminatory act(s).

    e) Date of complaint received by the recipient.

    f) A statement of the complaint.

g) Other agencies (state, local or Federal) where the complaint has been filed.

h) An explanation of the actions the recipient has taken or proposed to resolve the issue raised in the complaint.

6. Within 60 days, the Title VI Specialist will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of the recipient. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

7. Within 90 days of receipt of the complaint, the head of the recipient will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with GDOT, or USDOT, if they are dissatisfied with the final decision rendered by the Recipient. The Title VI Specialist will also provide GDOT with a copy of this decision and summary of findings upon completion of the investigation.

8. Contact for GDOT's Title VI staff is as follows:

Georgia Department of Transportation

Office of Equal Opportunity, Title VI/ Program

600 West Peachtree Street, N.W. 7th Floor

Atlanta, GA 30308

(404) 631-1497

Sanctions

In the event the recipient fails or refuses to comply with the terms of this agreement, the GDOT may take any or all of the following actions:

a) Cancel, terminate, or suspend this agreement in whole or in part;

b) Refrain from extending any further assistance to the recipient under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the recipient.

c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the recipient.

d) Refer the case to the Department of Justice for appropriate legal proceedings.

SIGNED FOR THE GEORGIA DEPARTMENT OF TRANSPORTATION:

Signature

EEO Director

Title

Date

NAME OF RECIPIENT:

Signature

Title

Date

Appendix A

During the performance of this contract, the contractor/consultant, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations**

The contractor shall comply with the Regulations relative to non-discrimination in federally assisted programs of United States Department of Transportation (USDOT), Title 49, Code of Federal Regulations, part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination**

The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection and retention of sub-contractors, including procurement of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. **Solicitations for Sub-contracts, Including Procurement of Materials and Equipment**

In all solicitations either by competitive bidding or negotiations made by the contractor for work to be performed under a sub-contract, including procurement of materials or leases of equipment, each potential sub-contractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to non-discrimination on the grounds of race, color, sex, or national origin.

4. **Information and Reports**

The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the contracting agency or the appropriate federal agency to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to GDOT or the USDOT as appropriate, and shall set forth what efforts it has made to obtain the information.

5. **Sanctions for Non-compliance**

In the event of the contractor's non-compliance with the non-discrimination provisions of this contract, the contracting agency shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to:

- Withholding of payments to the contractor under the contract until the contractor complies, and/or;
- Cancellation, termination, or suspension of the contract, in whole or in part

6. Incorporation of Provisions

The contractor shall include the provisions of paragraphs (1) through (5) in every sub-contract, including procurement of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any sub-contractor or procurement as the contracting agency or USDOT may direct as a means of enforcing such provisions including sanctions for non-compliance.

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a sub-contractor or supplier as a result of such direction, the contractor may request GDOT enter into such litigation to protect the interests of the state and, in addition, the contractor may request the USDOT enter into such litigation to protect the interests of the United States.

Appendix B

The following clauses shall be included in any and all deeds affecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

GRANTING CLAUSE

NOW THEREFORE, Department of Transportation, as authorized by law, and upon the condition that the state of Georgia will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of Federal Aid for Highways and the policies and procedures prescribed by the United States Department of Transportation and, also in accordance with an in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, the Department of Transportation GDOT (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1064 (78 Stat. 252: 42 USC 2000d to 2000d - 4) does hereby remise, release, quitclaim, and convey unto the state of Georgia all the right, title, and interest of the Department of Transportation in and to said land described in Exhibit A attached hereto and made a part thereof.

HABENDUM CLAUSE

TO HAVE AND TO HOLD said lands and interests therein unto the state of Georgia, and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which the federal financial assistance is extended or for another purpose involving the provisions of similar services or benefits and shall be binding on the state of Georgia, its successors, and assigns.

The state of Georgia, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subject to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed (,)(and)* (2) that the state of Georgia, shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination of federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above mentioned non-discrimination conditions, the department shall have a right to reenter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.[1]

[1] Reverter Clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

Appendix C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by (Recipient) pursuant to the provisions of Assurance 8.

The LESSEE, for himself or herself, his or her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease, for a purpose of which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the LESSEE shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the lease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease has never been made or issued.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the Georgia State Department of Transportation pursuant to the provisions of Assurance 8.

The LESSEE, or himself or herself, his or her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person, on the grounds of race, color, sex, or national origin, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and furnishing of services thereon, no person on the grounds of race, color, sex, and national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the LESSEE shall use the premises in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, part 21, Non-discrimination in federally assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That in the event of breach of any of the above non-discrimination covenants, the STATE shall have the right to terminate the ease, and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

June 1, 2022

Department of Transportation
600 West Peachtree Street, NW, 7th Floor
Atlanta, GA 30308

Attn: Maria L. Roux
QA Compliance Manager
Office of Procurement

RE: Adoption of GDOT Procurement Policy for The Procurement, Management and Administration of Engineering and Design Related Consultant Services (on Federally Funded Projects).

The Athens-Clarke County Unified Government (ACCGov) will adopt the Georgia Department of Transportation Procurement Policy For The Procurement, Management and Administration of Engineering and Design Related Consultant Services. The ACCGov has read the policy and will abide by the policy for all state and federally funded transportation projects as it pertains to local governments. The ACCGov agrees to and acknowledges the following:

1. ACCGov agrees to and acknowledges that all personnel involved in the procurement, management and administration of engineering and design related consultant services must attend GDOT Manual training and pass the test administered. A list of names of all involved in advertising the solicitation, facilitating evaluations, conducting negotiations and contract administration of Engineering and Design related procurements is as follows:

Name	Title	ACCGov Department/Division
Rani Katreeb	Engineering Administrator	T&PW / Administration
Derick Mason	Construction Manager/Engineer	T&PW / Engineering
Jessica Beri	Purchasing Administrator	Finance / Purchasing
Toro Holt	Senior Buyer	Finance / Purchasing
Christy Bailey	Sourcing & Contract Coordinator	Finance/Purchasing

2. ACCGov Personnel listed have read and understand the Federal Laws and Regulations (23 CFR Part 172), along with any State of Georgia laws (O.C.G.A. 50-22-1 through 50-22-9) that pertain to these services where FAHP funds will be utilized, must be followed and adhered to.
3. ACCGov understands that only the above listed personnel have been certified to participate in advertising the solicitation, facilitating evaluations, conducting negotiations and contract administration of Engineering and Design related procurements.

Kelly Girtz
Mayor
Unified Government of Athens-Clarke County, Georgia
301 College Avenue • Athens, Georgia 30601 • (706) 613-3010
Email: kelly.girtz@accgov.com

4. ACCGov is familiar with and understands the requirements of 23 CFR Part 172 and the requirements of 40 U.S.C. 1101-1104 Selection of Architects and Engineers commonly referred to as "The Brooks Act" or Qualification Based Selection (QBS) to include:
    a. Solicitation process
    b. Evaluation Factors
    c. Non-Qualification Evaluation Factors
    d. Evaluation, Ranking and Selection
    e. Negotiation
5. ACCGov acknowledges and agrees to adhere to the below additional procurement requirements:
    a. Common Grant Rule-49 CFR Part 18
    b. Georgia DOT's Disadvantaged Business Enterprise (DBE) program
    c. Suspension and Debarment
    d. Compliance with Title VI
    e. Compliance with E-Verify (this is not necessary if state funds are not utilized)
6. ACCGov has provided any exceptions to GDOT's Engineering and Design Procurement Policy in a separate document to be approved by the GDOT Office of Procurement.

The undersigned hereby acknowledge and agree to the above conditions and to follow GDOT's Procurement Policy for Engineering and Design related services when using FAHP funds, as it applies to local governments certified through GDOT's LAP program.

Mayor _____ date _____

Attest _____

(Seal)

Kelly Girtz
Mayor
Unified Government of Athens-Clarke County, Georgia
301 College Avenue • Athens, Georgia 30601 • (706) 613-3010
Email: kelly.girtz@accgov.com

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Facilities Management Life-Cycle Capital Project – Multiple Roofs (Fleet Management Building Roof Replacement; Jail Roof Replacement; Clarke County Health Department Roof Replacement) Contract Award

DATE: July 22, 2022

BUDGET INFORMATION:

REVENUES:

$ 567,918	FY22 Facilities Life-Cycle Capital Funds (Unencumbered Carry-Forward)
$ 225,000	Additional Facilities Life-Cycle Capital Funds (M&C Amended FY22 Budget to reflect Georgia DPH Contribution)
$ 1,000,000	FY23 Facilities Life-Cycle Capital Funds (M&C Adopted)
$ 254,160	SPLOST 2020: Project 27 Sub-Project #2 (Tiers 1-3) Funds
$ 2,047,078	Total Funding Available

EXPENSES:

LESS CAPITAL:

$ 275,845	Fleet Management Building Roof
$ 248,096	Jail Roof (Roof C & Roof D)
$ 637,895	Clarke County Health Department Roof
$ 150,000	Project Management Fees (Estimate)
$ 1,311,836	Total Project Cost

FUNDING SOURCE: Facilities Management Life-Cycle Capital Funds
Georgia Department of Public Health (DPH) Contribution
SPLOST 2020: Project 27 Sub-Project #2 (Tiers 1-3) Funds

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Approve the designation of Bone Dry Roofing as the selected firm for the award of a construction services contract in the amount of $1,161,836 for the completion of multiple roofs (Fleet Management Building Roof Replacement; Jail Roof Replacement; Clarke County Health Department Roof Replacement); and,

b. Authorize the Mayor and appropriate staff to execute all related documents.

HISTORY:

1. In 1970, the original structure at 225 Newton Bridge Road was built and occupied for vehicle repair use prior to ACCGov ownership, later undergoing additional improvements in the years 1994 and 2000.

2. In 1980, the building occupied by the Clarke County Health Department was constructed at 345 N. Harris Street and has undergone subsequent renovations over time.

3. On April 4, 1989, the City of Athens purchased the land and structures at 225 Newton Bridge Road for use as an office and shop for fleet maintenance.

4. In 2015, the Unified Government of Athens-Clarke County (ACCGov) completed the construction of a new Jail funded by SPLOST 2011 located at 3015 Lexington Road. The portion of roof to be replaced is part of an older, remaining section of the Jail that was retained and dates back to 1997. (Roof C & Roof D)

5. On May 3, 2022, the M&C approved SPLOST 2020: Project #27 Sub-Project #2 (FY23 Annual Work Program of Facility Equipment/Systems Replacement Projects) totalling $460,860, of which $254,160 was designated for the Jail roof. Staff was also authorized to advance the Project Concept for Sub-Project #2 directly to the bid and award phase.

6. On June 7, 2022, the M&C approved the acceptance of funds from the Georgia DPH, along with an associated budget amendment to the FY22 Departmental Capital Program for Facility Life-Cycle Maintenance in the amount of $225,000.

7. On June 7, 2022, the M&C approved the FY23 Operating and Capital Budget, which allocated $1,000,000 to Facilities Management Life-Cycle Capital Projects.

8. On June 22, 2022, ACCGov staff conducted a pre-proposal conference with potential bidders to respond to all inquiries regarding the project(s).

9. On July 15, 2022, Bid #01086 closed and all bids were reviewed.

10. On July 18, 2022, the Selection Committee determined Bone Dry Roofing to be the lowest, responsive bidder.

FACTS & ISSUES:

1. If approved, the proposed project schedule involving the multiple roofs to be replaced will likely occur over the next fiscal year, pending weather and construction challenges.

2. The project scope of work includes the following base bid work general conditions, which is in addition to the specific tasks unique to each roof. Upon completion, the roofs will also furnish a five-year contractor's warranty and a twenty-year manufacturer's "total" system warranty.

- All drains and below grade roof drainage pipes will be examined up to 100' using a DVR camera.
- Recycle all removed metal and wood.
- Asbestos testing
- Core information
- Minimum design uplift resistances per ASCE 7 Version 7-16

3. In terms of sustainability, the quality/condition of a roof is one of, if not the main factor in location selection and determining appropriateness of potential solar panel installation. As ACCGov looks toward future solar panel projects, those structures with newly replaced or restored roofs will likely receive stronger consideration. It has yet to be determined; however, whether solar installation is applicable for these particular roof replacement projects or will prove beneficial from a practical and cost standpoint.

4. Fulfilment of this initiative will allow for safe, durable, and efficient facilities from which to continue vital service offerings and operations at the Fleet Management Building, Jail, and Health Department.

5. To avoid potential operational impacts on the facilities and services conducted within it, such as prolonged interruptions to daily activities, staff recommends that this project proceed to the construction phase in accordance with applicable ACCGov standard procurement policies and that all work for this project will be managed by an on-call consultant (Tremco), with ACCGov staff oversight. This will decrease deferred maintenance, while achieving maximum efficiency and effectiveness in both schedule and cost given the economic instability of construction materials, equipment, and labor.

6. The project was released through a formal Bid process, which considered a number of factors, in addition to low cost. An example of the criteria used for evaluation during a competitive bid process includes:

    - The contractor must be a licensed General Contractor in the state of Georgia or licensed through the Georgia Roofing Contractors Association (GARCA).
    - Submit a cost-loaded schedule which shall include the critical path activities and tasks.
    - Construction superintendent availability on-site.
    - Interaction with an ACCGov designated Construction Management (CMa)/Inspection consultant.
    - Documentation of existing roof conditions.
    - Roof system reliability documentation.
    - Submit roof warranty documents.
    - Membership in the National Roofing Contractors Association.
    - Price

7. Funding for the vast majority of projects within the facilities life-cycle program is traditionally derived from annual capital improvement contributions from the General Fund and through Special Purpose Local Option Sales Tax (SPLOST) collection specifically allocated for these initiatives.

8. Failure to fund these initiatives could have an operational impact on facilities and services conducted within them, likely causing prolonged interruptions to daily activities, adversely effecting public perception, and increasing prolonged maintenance costs.

9. The 2018 Athens-Clarke County Comprehensive Plan, a state mandated document which sets forth a 20-year outlook, specifically identifies the following goals, needs, opportunities, strategies, policies, and community work program initiatives that are fulfilled by the Central Services Department's ability to replace facility equipment and systems.

    - *Environment: Policy (F*) – Increase energy efficiency, sources, and use of renewables.
    - *Foundation: Policy (B)* – Repair and replace infrastructure assets commensurate with physical depreciation.

10. This recommendation supports the following ACCGov Strategic Plan Goals, Strategies and Initiatives:
    - Built and Natural Infrastructure Goal, Strategy C: *Adequate funding for maintenance of existing and newly constructed infrastructure*
        - Initiative 1: *Account for data-informed life cycle costs when budgeting for new infrastructure*

OPTIONS:

1. Mayor and Commission:

    a. Approve the designation of Bone Dry Roofing as the selected firm for the award of a construction services contract in the amount of $1,161,836 for the completion of multiple roofs (Fleet Management Building Roof Replacement; Jail Roof Replacement; Clarke County Health Department Roof Replacement); and,

    b. Authorize the Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission do not approve the contract award to Bone Dry Roofing for Facilities Management Life-Cycle Capital Project – Multiple Roofs (Fleet Management Building Roof Replacement; Jail Roof Replacement; Clarke County Health Department Roof Replacement).

3. Mayor and Commission defined option.

DEPARTMENT(S) RECOMMENDED ACTION: Option #1 a & b

DEPARTMENT(S): Central Services
Prepared by: Gavin Hassemer



Gavin Hassemer
Interim Director of
Central Services

7/21/2022
Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a & b





Manager

August 10, 2022
Date

DATE: August 1, 2022

TO: Mayor Kelly Girtz and Commissioners

Through: Jean Spratlin, Commissioner Office

FROM: Madeline Bates Blankenship, Interim Chairperson
Athens Cultural Affairs Commission

SUBJECT: Athens Cultural Affairs New Member Recommendations

Dear Mayor Girtz and Commissioners;

As of April 2022, there was one open seat on the Athens Cultural Affairs Commission, one two-year term, and three members who wish to renew their terms for an additional three years.

The ACAC invited applications from Athens-Clarke County residents interested in filling these positions. Three residents submitted applications. All were well qualified, enthusiastic and passionate about making a contribution to the arts in Athens-Clarke County. We are honored to continue having such strong applicants apply for seats on ACAC. After interviewing each, ACAC members would like to recommend the following:

- We recommend that **Kimberly Davis fill one open two-year position (April 1, 2022 to March 31, 2024)**. Ms. Davis' background in communications will make her an asset to ACAC.

- We recommend that **Darcie St. Onge (Treasurer), Donna Brumby (Secretary) and William "Montu" Miller (Member at large) continue as members and renew them for each for 3 year terms, ending March 31, 2025.**

- Additionally, we had a recent resignation by the ACAC chair, Andrew Salinas, therefore ACAC vice-chair, Madeline Bates Blankenship will be acting Chairperson until the September 12, 2022 monthly ACAC meeting where members will vote on ACAC officers.

Thank you for all your support, advice, and assistance throughout the growth and development of the community's public art commission.

Respectfully,

Madeline Bates Blankenship, Interim Chair
Athens Cultural Affairs Commission

Date: 08/08/2022

To: Mayor Kelly Girtz and Athens-Clarke County Commission Members

Subject: Appointment of Dr. Dale Van Cantfort to represent ORGC Commission on Athens in Motion.

On behalf of the Oconee Rivers Greenway Commission, I am sending this letter to inform you that Carly Evans has left the area and will no longer serve as ORGC representative on Athens in Motion. With her loss, we have replaced her with a new ORGC member to serve as Chair of our Communications and Outreach Committee and as our liaison to the Athens in Motion.

Dr. Dale Van Cantfort was unanimously supported by ORGC and appointed by ACC Mayor and Commission to join ORGC as a new member beginning in January 2022. He filled a vacancy created by Dr. Mack Duncan whose term ended December 31, 2021. Dr. Van Cantford and his wife live in Athens and he has indicated a sincere desire to participate as a member of ORGC in service to the community. He offers a strong background in communications having received a PhD in Mass Communications from Grady College of Journalism and Mass Communications at UGA. He has worked with Habersham County planning to balance the needs of development, environmental concerns, and economic issues. He is a Professor of Mass Communications at Piedmont University where he has gained the respect of students and faculty and has been recognized as a leader at the University as well as the community.

We appreciate your support of our appointment of Dr. Van Cantfort as our ORGC representative on AIM.

Thank you,

C. Ross Hinkle

Dr. C. Ross Hinkle, Chair
Oconee Rivers Greenway Commission
crhinkle@charter.net
321-652-0981
135 Deer Ridge
Athens, Ga 30605

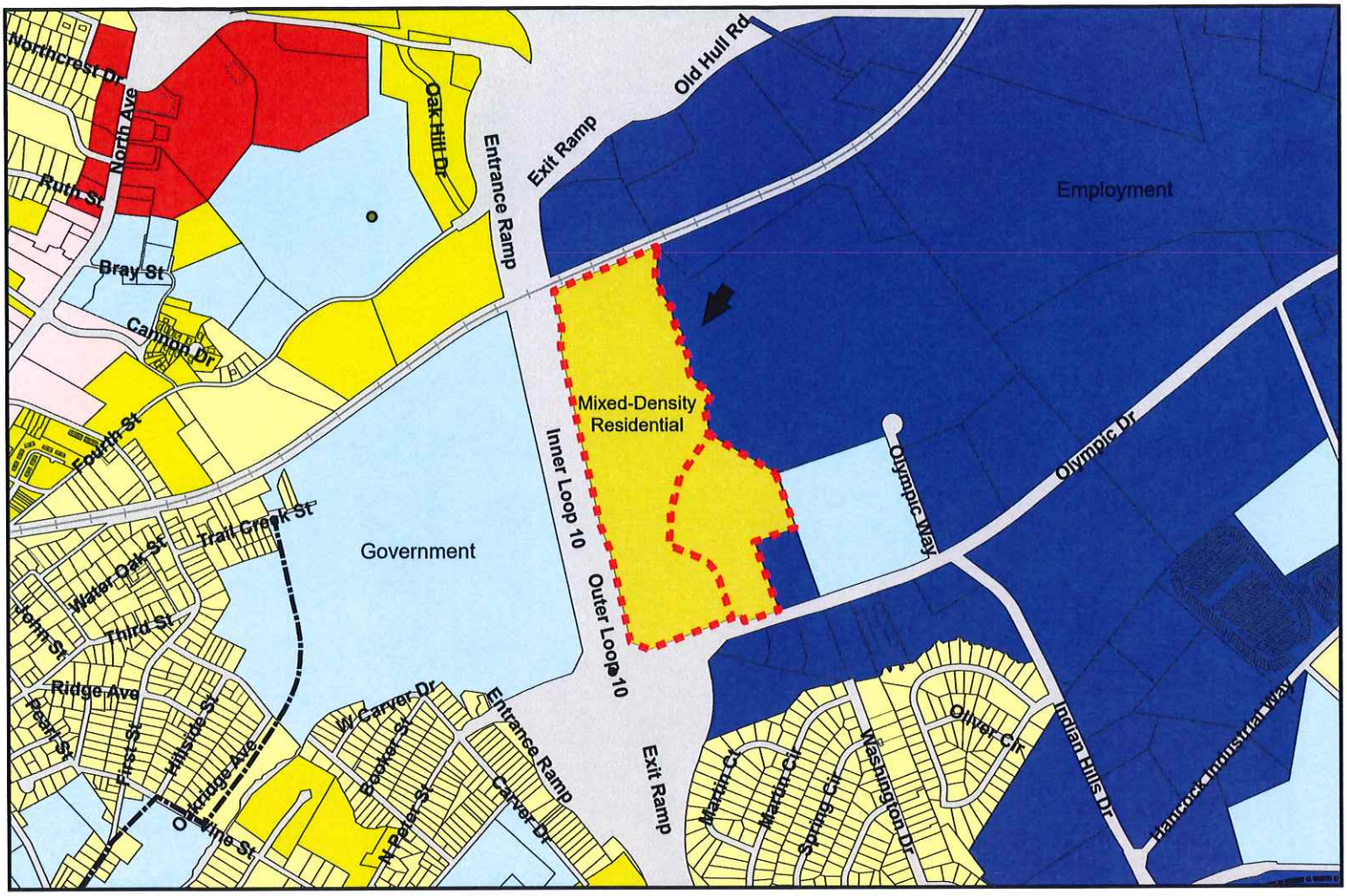
AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION ON APPROXIMATELY 65.89 ACRES OF LAND LOCATED AT 505 & 515 OLYMPIC DRIVE FROM "EMPLOYMENT CENTER" TO "MIXED DENSITY RESIDENTIAL";** AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future land use designation on approximately 65.59 acres of land located at 505 and 515 Olympic Drive, County tax parcel number 164 021 and 164 024H, from "Employment Center" to "Mixed Density Residential," as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Land Use Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Land Use Map and Exhibit A hereto are available for inspection in said Clerk's Office, 301 College Avenue, Athens, Georgia.

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



Legend

- County Boundary
- City Boundary
- Parcel Boundary
- Building Footprint
- School
- A-CC Owned Parks and Open Space
- Other Parks and Open Space
- Transportation,Communication and Utilities
- Airport Hazard Zone
- Railroad
- Rails to Trails
- Proposed Road Widening
- Proposed New Road
- Intersection Realignment

Descriptions

- General Business
- Downtown
- Main Street Business
- Employment Center
- Government
- Mixed- Density Residential
- Traditional Neighborhood
- Single Family Residential
- Rural

EXHIBIT A	**PD-2022-03-608** **MASTER PLANNED DEVELOPMENT** **505 & 515 OLYMPIC DRIVE** *Michael Canady / Mill Creek Residential* *SFI Land, LLC & Wollmoor Properties, LLC*	N
MAP 526A		
FROM: **Employment Center**	TO: **Mixed-Density Residential**	0 400 Feet
TAX PARCEL # *164 021 & 164 024H*	PLANNING COMMISSION MEETING DATE *July 7, 2022*	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE *August 2, 2022*

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **REZONING TWO PARCELS OF LAND COMPRISING APPROXIMATELY 65.89 ACRES LOCATED AT 505 & 515 OLYMPIC DRIVE FROM E-I (EMPLOYMENT-INDUSTRIAL) & I* (INDUSTRIAL ZONING WITH CONDITION) TO RM-1 (PD) (MIXED DENSITY RESIDENTIAL, PLANNED DEVELOPMENT);** AND FOR OTHER PURPOSES.

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

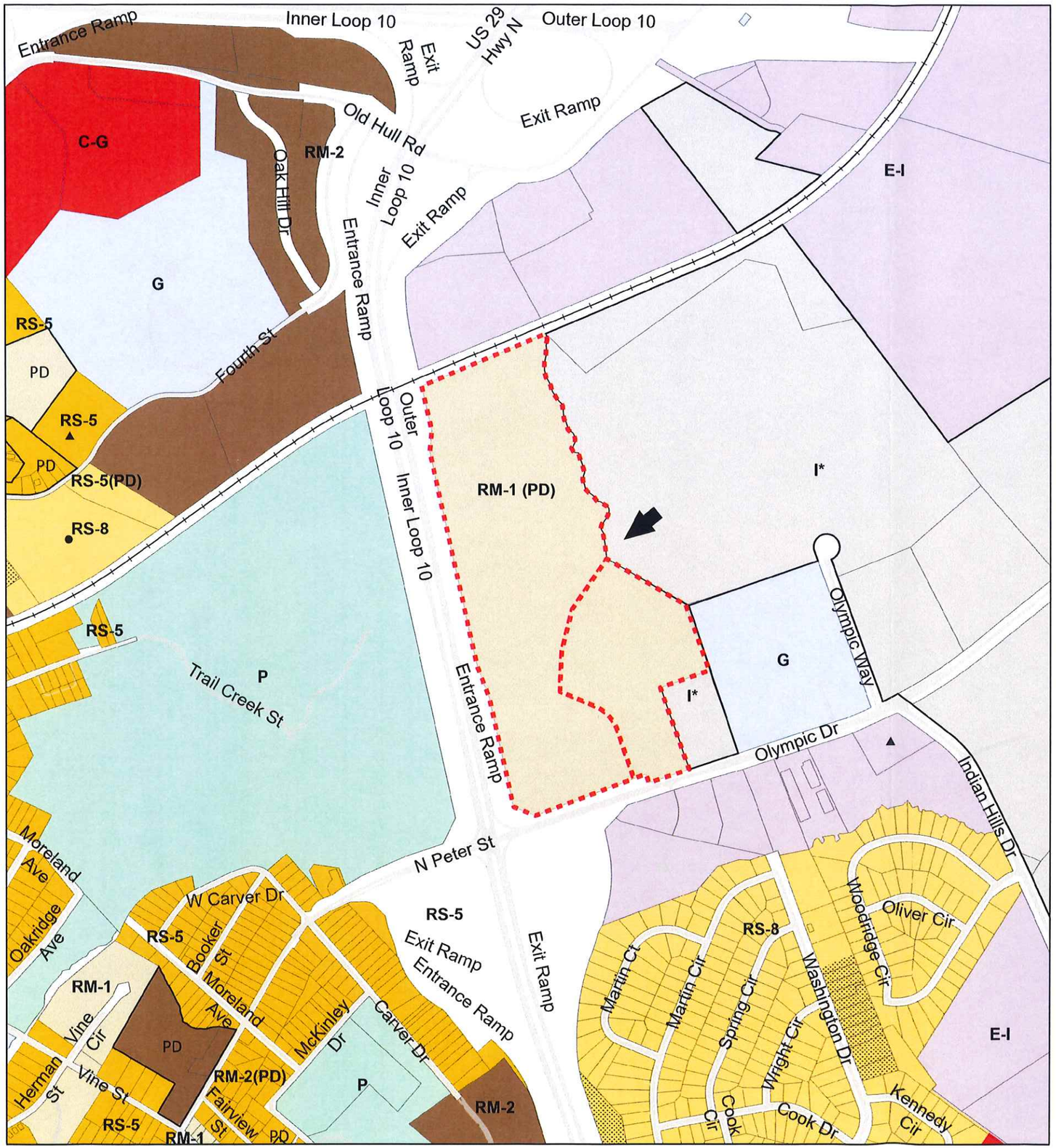
SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of two parcels of land comprising approximately 65.89 acres located at 505 and 515 Olympic Drive, Athens, Georgia from E-I (Employment-Industrial) & I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the master site plan entitled "Preliminary Plan for: 505 & 515 Olympic Drive Tax Parcel # 164 021 & 164 024H", dated April 22, 2022, prepared by and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcels comprising the subject 65.89 acre tracts of land are also known as parcel numbers 164 021 and 164 024H 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 W. Dougherty Street, Athens, Georgia. 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 Clerk of Commission's Office 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 herein by reference consists of one sheet in total, entitled ""Preliminary Plan for: 505 & 515 Olympic Drive Tax Parcel # 164 021 & 164 024H", dated April 22, 2022, prepared by Alliance and stamped "Binding 7-12-22".

The binding written report associated with this ordinance consists of fourteen pages in total, is entitled "Millcreek Residential Amavi Athens Preserve-Application Report", dated May 24, 2022, and is stamped "Binding 7-12-22". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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



The Official Zoning Map
of Athens-Clarke County

Legend

- P, Parks
- IN, Institutional
- C-G, Commercial-General
- C-D, Commercial-Downtown
- C-N, Commercial-Neighborhood
- C-O, Commercial-Office
- C-R, Commercial-Rural
- E-I, Employment-Industrial
- E-O, Employment-Office
- G, Government
- I, Industrial
- AR, Agricultural Residential *(1 unit per 10 acre density)*
- RM-1, Mixed Density Residential *(16 multi-family units per acre)*
- RM-2, Mixed Density Residential *(24 multi-family units per acre)*
- RM-3, Mixed Density Residential *(50 multi-family units per acre)*
- RS-5, Single-Family Residential *(5,000 sq. ft. min. lot area)*
- RS-8, Single-Family Residential *(8,000 sq. ft. min. lot area)*
- RS-15, Single-Family Residential *(15,000 sq. ft. min. lot area)*
- RS-25, Single-Family Residential *(25,000 sq. ft. min. lot area)*
- RS-40, Single-Family Residential *(40,000 sq. ft. min. lot area)*

Parcel boundaries of the site are determined by legal description. The parcels shown on this map are to be used only as a guide.

- Downtown Design Areas
  - *(DHD)*, Downtown Historic District
  - *(WD)*, West Downtown
  - *(ED)*, East Downtown
  - *(DS)*, Dougherty Street
  - *(RIV)*, River
  - *(WE)*, West End
  - *(ND)*, North Downtown
- Airport Overlay
  - AZ1, Precision Approach Zone
  - AZ2, Larger Than Utility Runway Nonprecision Approach Zone
  - AZ3, Utility Runway Nonprecision Approach Zone
  - TZ, Transitional Zone
  - RPZ, Runway Protection Zone
  - PSZ, Primary Surface Zone
- 78/316 Special District Overlay
- PD — Planned Development
- * — Zoning with Conditions
- Historic District
- RM-LTD, Mixed Density Residential Limited Overlay
- Conditional Use
- GSRC, Gaines School Road Corridor Special District Overlay
- MAC, Milledge Avenue Corridor Special District Overlay
- WBS, West Broad Street Special District Overlay
- Winterville Boundary
- Bogart Boundary
- ACC Boundary
- Railroads
- ▲ Special Use
- ● Historic Landmark

670 335 0 670 1,340 2,010 Feet

ATTACHMENT A	PD-2022-03-608 MASTER PLANNED DEVELOPMENT 505 & 515 OLYMPIC DRIVE Michael Cannady / Mill Creek Residential SFI Land, LLC & Wollmoor Properties, LLC	
526		
FROM: E-I & I*	TO: RM-1 (PD)	
TAX PARCEL #	PLANNING COMMISSION MEETING DATE	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE
164 021 & 164 024H	July 7, 2022	August 2, 2022

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: July 7, 2022	FILE NO: PD-2022-03-608

LOCATION: 505 & 515 Olympic Drive
APPLICANT: Michael Canady / Mill Creek Residential
OWNER: SFI Land, LLC & Wollmoor Properties, LLC
REQUEST: From *Employment Center* to *Mixed Density Residential*
DISTRICT: 2

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Ms. Rowland made a motion to recommend denial. Ms. Kinman seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Absent			
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall Present	X			Monique Sanders Absent			
Alice Kinman Present	X			Joey Tucker Present	X		
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	7	0	0

For: Michael Canady, Grant Whitworth
Against: None

Discussion: The Planning Commission discussed the lack of commercial and transit services in the area and the negative impacts of introducing residential use into the industrial area.

Motion: Ms. Rowland made a motion to recommend denial. Ms. Kinman seconded the motion, which passed unanimously.

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: July 7, 2022	FILE NO: PD-2022-03-608

LOCATION: 505 & 515 Olympic Drive
APPLICANT: Michael Canady / Mill Creek Residential
OWNER: SFI Land, LLC & Wollmoor Properties, LLC
REQUEST: From E-I (Employment-Industrial) and I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development)
DISTRICT: 2

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Ms. Rowland made a motion to recommend denial. Ms. Kinman seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Absent			
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall Present	X			Monique Sanders Absent			
Alice Kinman Present	X			Joey Tucker Present	X		
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	7	0	0

For: Michael Canady, Grant Whitworth
Against: None

Discussion: The Planning Commission discussed the lack of commercial and transit services in the area and the negative impacts of introducing residential use into the industrial area.

Motion: Ms. Rowland made a motion to recommend denial. Ms. Kinman seconded the motion, which passed unanimously.

STAFF REPORT
MASTER PLANNED DEVELOPMENT
CASE NUMBER PD-2022-03-608
505 & 515 OLYMPIC DRIVE
JULY 7, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT	Michael Canady / Mill Creek Residential
OWNER	SFI Land, LLC & Woolmoor Properties, LLC
REQUESTS	From *Employment Center* to *Mixed Density Residential*; From E-I (Employment-Industrial) & I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development)
TYPE OF REQUEST	Type I
LOCATION	505 & 515 Olympic Drive
COUNTY COMMISSION DISTRICT	2
SIZE OF REZONING AREA	65.89 acres
PRESENT USE	Undeveloped
PROPOSED USE	Multifamily residential
TAX MAP NUMBERS	164 021 & 164 024H
ADJACENT USES AND ZONING	(N) Railroad
	(E) Contractors supply stores / I*, undeveloped / I; post office / G
	(S) Olympic Drive
	(W) Outer Loop 10
STAFF RECOMMENDATIONS:	
Future Land Use	**Denial**
Zoning	**Denial**
PLANNING COMM. RECOMMENDATIONS:	
Future Land Use	**Denial**
Zoning	**Denial**

II. PURPOSE

The purpose of this request is to rezone 65.89 acres in two parcels located at 505 and 515 Olympic Drive from E-I (Employment-Industrial) and I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development) for a proposed residential development. A planned development includes a binding application report, site plan, and architectural elevations as a guarantee to the community that what is proposed will be constructed.

The subject properties were rezoned in 2005 from E-O (Employment-Office) and RM-2 (Residential Mixed Density) to E-O (PD) (Employment-Office, Planned Development) and RM-2 (PD) (Residential

Mixed Density, Planned Development) for a proposed mix of single-family homes, townhouses, and apartments, as well as 87,800 square feet of commercial/office space. The Planned Development was amended in 2008 to clarify setbacks on the E-O (PD) portion of the project and to incorporate "age restricted" residential uses in the RM-2 (PD) portion of the development. In 2013 the Planned Development was removed and the properties rezoned to E-I (Employment-Industrial). The I* (Industrial Zoning with Condition) portion was acquired in 2019 from the parcel at 545 Olympic Drive.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The two subject parcels totaling 65.89 acres are located at the intersection of Olympic Drive and the SR 10 Loop. The properties are currently undeveloped and are transected by Trail Creek with associated 75' riparian buffer, 100-year floodplain, and wetlands. An ACC sanitary sewer line and associated easement also crosses the property adjacent to the creek.

Adjacent properties to the north and to the south (across Olympic Drive) are undeveloped with E-I (Employment-Industrial) zoning. A large undeveloped tract to the west is zoned I (Industrial). The other adjacent parcel to the west is zoned I* (Industrial Zoning with Condition) and contains warehouse storage and distribution units. The zoning condition on part of the subject property at 515 Olympic Drive and on the adjacent property at 545 Olympic Drive is from a 2001 ordinance that prohibits the I (Industrial) zoning district from having a solid waste transfer station, commercial feedlot, or Level III uses listed in Section 9-11-5(A)(3).

IV. PROPOSED DEVELOPMENT

The proposal is for the construction of a residential development, consisting of 271 attached townhouse-style dwellings, with a total of 681 bedrooms, and a clubhouse/pool amenity lot.

Architectural renderings and detailed floor plans have been submitted with this application, which provide for one- and two- story units with either two and three bedrooms. All units would have front-loaded garages and individual driveways, while the two-story design would also provide rear porches. Exterior cladding would be a mix of cementitious-based siding and brick.

Two gated entrances are proposed off Olympic Drive. The amenity area would be publicly accessible with its parking lot access located outside the gated entrance. Sidewalks are proposed along both sides of the interior drives.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE LAND USE MAP

The Future Land Use Map indicates that the subject parcels have an *Employment Center* designation, which is described as follows:

Employment Center: These are areas of industry, office, research parks, and flex-space mixed uses. Two types of employment areas are distinguished in the land-use classifications for the specific properties. The first type is large-scale employment areas, which include large industrial areas, manufacturing, office

parks, and research centers. Housing is incompatible with these areas. As these areas are generally not visible from the main corridors of the community, design standards should only be employed within areas that are visible from main corridors and for buffering adjacent residential areas. The second type of employment area is smaller in scale and is appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Housing and small amounts of retail may be compatible in some areas.

The proposal is to rezone the subject property to RM-1, which is incompatible with the existing Future Land Use designation per the Compatibility Matrix in ACC Code Chapter 9-4. Therefore, the application includes a request to change the Future Land Use designation to *Mixed Density Residential*, which is described as follows:

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential uses designed at a neighborhood scale may be incorporated into these areas (e.g. churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.

No properties have this FLU designation along Olympic Drive, which has a consistent Employment Center designation. The closest location for the proposed designation is a multifamily development on Fourth Street sitting catty-corner across the SR 10 Loop from the subject property.

II. COMPATIBILITY WITH COMPREHENSIVE PLAN POLICIES

The following is a relevant 2018 Comprehensive Plan policy:

- Infill housing should be promoted and concentrated in areas near commercial nodes, providing easy access to everyday services.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to rezone 65.89 acres at 505 and 515 Olympic Drive from E-I (Employment-Industrial) and I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development) for a proposed residential development. Similar to the proposed FLU designation, the proposed zoning designation is also not currently found along Olympic Drive. The closest location is the multifamily development on Fourth Street on the other side of the SR 10 Loop.

One of the review criteria adopted by Athens-Clarke County for evaluating rezoning requests is whether the request would create an isolated zoning district. The only location of the proposed zoning designation in the immediate vicinity is across SR 10 Loop on Fourth Street. Olympic Drive itself has consistent Employment and Industrial zoning designations. All of the developed parcels along Olympic Drive have non-residential uses, and Staff has significant concerns with a potential negative deterrence on additional

investment for the development or redevelopment for nearby industrial properties due to perceived negative impacts (noise, odors, vibration, etc.) on the future residents within this proposed development.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards. No waivers have been requested with the master plan submittal.

RM-1 zoning allows a maximum of 16 bedrooms per acre and a maximum lot coverage of 55%; the proposal is compliant with 11.85 bedrooms per acre and 17% lot coverage. Scaled architectural elevations have not been provided, but the proposed dwellings must not exceed the maximum building height of 30 feet, and the minimum distance between two detached dwellings is one-half the height of the tallest building, but no less than 12 feet.
The Code restricts the same exterior design to no more than 30 units in a project. The application includes two architectural renderings; at least nine different exterior designs will be required, which can be achieved through different fenestration patterns, porches, rooflines, etc. The RM-zone design standards also require that half of the buildings have a front entrance porch of at least five-foot depth facing a public or private street; the provided architectural examples in the application report and the uniform block buildings on the site plan do not provide enough information to ensure this standard is being met.

RM-zone developments require that 15% of the property be dedicated to outdoor recreation space, passive and active, which for this development equals 9.88 acres. A second standard requires that 8% (5.27 acres) of the property be in active recreation space. The proposal provides for active recreation space with a clubhouse and pool and a playground/dog park/event lawn near the front of the property, and a mulch trail in the rear half of the property. These proposed improvements equate to roughly 2.2 acres of active space and 4.7 acres of total recreation space (given 50' credit for the proposed trail and an acre credit for the large common area between rear units, if not fenced for individual units). Therefore, the plan does not provide the required amounts of active and total recreation space. [Note: Other areas shown as open space on the site plan are indicated as forest regeneration areas on the tree management plan, and, thus, cannot be included in the recreation area calculation.]

Olympic Drive has existing frontage sidewalk along most of the subject property frontage. A sidewalk extension along the remaining frontage is required as shown on the site plan. The proposed streets inside the development will also have sidewalk.

The application report denotes that outdoor lighting will comply with the ACC lighting ordinance, which is found in Code Chapter 9-19.

Scaled architectural elevations are required for the clubhouse, which will need to comply with the design standards of Sec. 9-25-8(E). An accessible route from the parking to the building is also required.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The proposed planned development would introduce residential use into the industrial area along Olympic Drive. Both sides of the road from the SR 10 Loop to its end at Voyles Road have Employment or Industrial zoning, the only exceptions being a post office, day care and fire station. Staff has significant concerns with a potential negative deterrence on additional investment, the development or redevelopment for nearby industrial properties due to perceived negative impacts (noise, odors, vibration, etc.) on the future residents within this proposed development.

Athens-Clarke County has recently seen a significant increase of multifamily developments. In the past four years over 15,000 multifamily bedrooms have been either permitted for construction, are being processed through the plans review process, or are under consideration by the Planning Commission or Mayor and Commission. Taken into consideration with the other recent requests, the accumulative effect creates a significant impact on the balance of land uses in Athens-Clarke County.

II. POPULATION

The proposed development would have 681 bedrooms, the sixth largest multifamily bedroom count proposed in the last four years.

III. ENVIRONMENT

The Athens-Clarke County Environmental Areas Map shows 75' riparian buffer, 100-year floodplain, and jurisdictional wetlands. The site is almost completely wooded at this time.

The Athens-Clarke County Arborist has reviewed the provided Tree Management Plan (TMP) and has no tree-related comments at this time.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

The proposed development would have sidewalk along the entire Olympic Drive frontage and on both sides of all proposed new streets within the development. Olympic Drive is not served by Athens Transit.

The master Planned Development application includes a traffic impact study, which calculates an expected trip generation of 2,472. The study noted that multiple approaches to nearby intersections already operate with an "inadequate LOS" (Level of Service), but concluded that the additional trip generation from the proposed development is "not expected to significantly impact the roadway network surrounding the proposed project site." No Olympic Drive travel lane improvements are proposed.

The Athens-Clarke County Department of Transportation and Public Works has reviewed the proposal and has no transportation-related comment at this time.

V. GRADING AND DRAINAGE

The site plan shows two large stormwater management areas, one on each side of the creek traversing the middle of the subject property.

The Athens-Clarke County Department of Transportation and Public Works has reviewed the proposal and has no comments on the proposed grading or drainage at this time.

VI. WATER AND SEWER AVAILABILITY

The ACC Public Utilities Department has the following comments:

- *ACC water and sanitary sewer are available to serve the proposed development.*
- *The development plan should provide for a water main extension along Olympic Drive to create a water loop (with taps on either side of the clubhouse).*
- *PUD does NOT recommend approval at this time.*

VII.FIRE PROTECTION

The ACC Fire Marshal has reviewed the plans and has the following comments:

- *ACCFES can provide fire protection without any fire services being affected or any additional cost for equipment or personnel.*
- *Additional fire hydrants are needed.*
- *Fire apparatus can access the project. A turnaround is not needed*
- *Buildings must have sprinkler systems, unless two-hour wall separation.*

RECOMMENDATIONS

I. STAFF RECOMMENDATIONS

Future Land Use – Denial
Zoning - Denial

The request is to rezone 65.89 acres in two parcels located at 505 and 515 Olympic Drive from E-I (Employment-Industrial) and I* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development) for a proposed residential development of 271 attached townhouse-style dwellings, with a total of 681 bedrooms, and a clubhouse/pool amenity lot. The request requires a corresponding change in the Future Land Use designations of the subject parcels from *Employment Center* to *Mixed Density Residential*.

As a reason for the rezoning to RM-1, the application report mentions the subject property proximity to SR Loop 10, downtown [1.7 miles via Peter Street and Oconee Street to Thomas Street], as well as Trail Creek Park. Another stated reason is the provision of quality housing for industrial area employees. However, the proposed location does not adhere to the Comprehensive Plan principle that infill housing should be promoted and concentrated in areas near commercial nodes, providing easy access to everyday services. Also, Olympic Drive is not served by Athens Transit.

Staff has concerns with both the proposed Future Land Use and Zoning Map amendments. One of the review criteria noted in the back of this Staff report is whether the request would create an isolated zoning district. The only location of the proposed designations in the immediate vicinity are across SR 10 Loop on Fourth Street. Olympic Drive itself has a consistent *Employment Center* Future Land Use designation with Employment and Industrial zoning designations.

Additional review criteria include whether there are substantial reasons why the property cannot be used in accordance with existing zoning, and whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. Staff is unaware of any reason why the property cannot be developed under its current E-I and I zoning, and also unaware of any changing conditions in the immediate area supporting the request. All of the developed parcels along Olympic Drive have non-residential uses, and Staff has significant concerns with a potential negative deterrence on additional investment for the development or redevelopment for nearby industrial properties due to perceived negative impacts (noise, odors, vibration, etc.) on the future residents within this proposed development.

Similar to the urgency to develop single-family subdivisions prior to the last recession, Athens-Clarke County is presently experiencing a rapid escalation of high density residential development. When the 781-bedroom proposal is taken into consideration with other countywide residential activity totaling over 15,000 bedrooms approved or under current consideration in the last four years, the cumulative effect creates a significant impact on the balance of land uses in Athens-Clarke County.

In addition, the provided plans require significant revision before they could be offered as binding development conditions of approval. The submitted plans do not meet the following Code standards:

1. The development plan should provide for a water main extension along Olympic Drive per the specifications of the Public Utilities Department.
2. Half of the buildings should have a front entrance porch of at least five-foot depth facing a public or private street.
3. Outdoor recreation space should constitute a minimum 15% of the property, and active recreation space constitute a minimum 8% of the property.
4. Scaled architectural elevations should be provided for the proposed dwellings and clubhouse.
5. Accessible parking and an accessible route from the parking to the clubhouse building should be provided.
6. The binding site plan should provide topographical contours.

II. PLANNING COMMISSION RECOMMENDATIONS

Future Land Use – Denial
Zoning - Denial

The Planning Commission considered the request at their regular meeting on July 7, 2022. The Planning Commission recommended denial of both the Future Land Use and Zoning Map amendments.

III. CURRENT STATUS

The proposal and the Planning Commission recommendation are scheduled for presentation to the Mayor and Commission at their agenda setting on July 19, 2022. The Mayor and Commission are scheduled to hear and take final action on this request on August 2, 2022.

REPORT FOR: **505 & 515 OLYMPIC DRIVE**

Zoning Criteria for Type I Applications

1. The Future Development Map and its intended outcome, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.

2. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.

3. Public facility elements of the Comprehensive Plan and how the proposed change will affect the provision of the services anticipated in the plan.

4. The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.

5. The existing land use pattern surrounding the property in issue.

6. The possible creation of an isolated district unrelated to adjacent and nearby districts.

7. The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.

8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

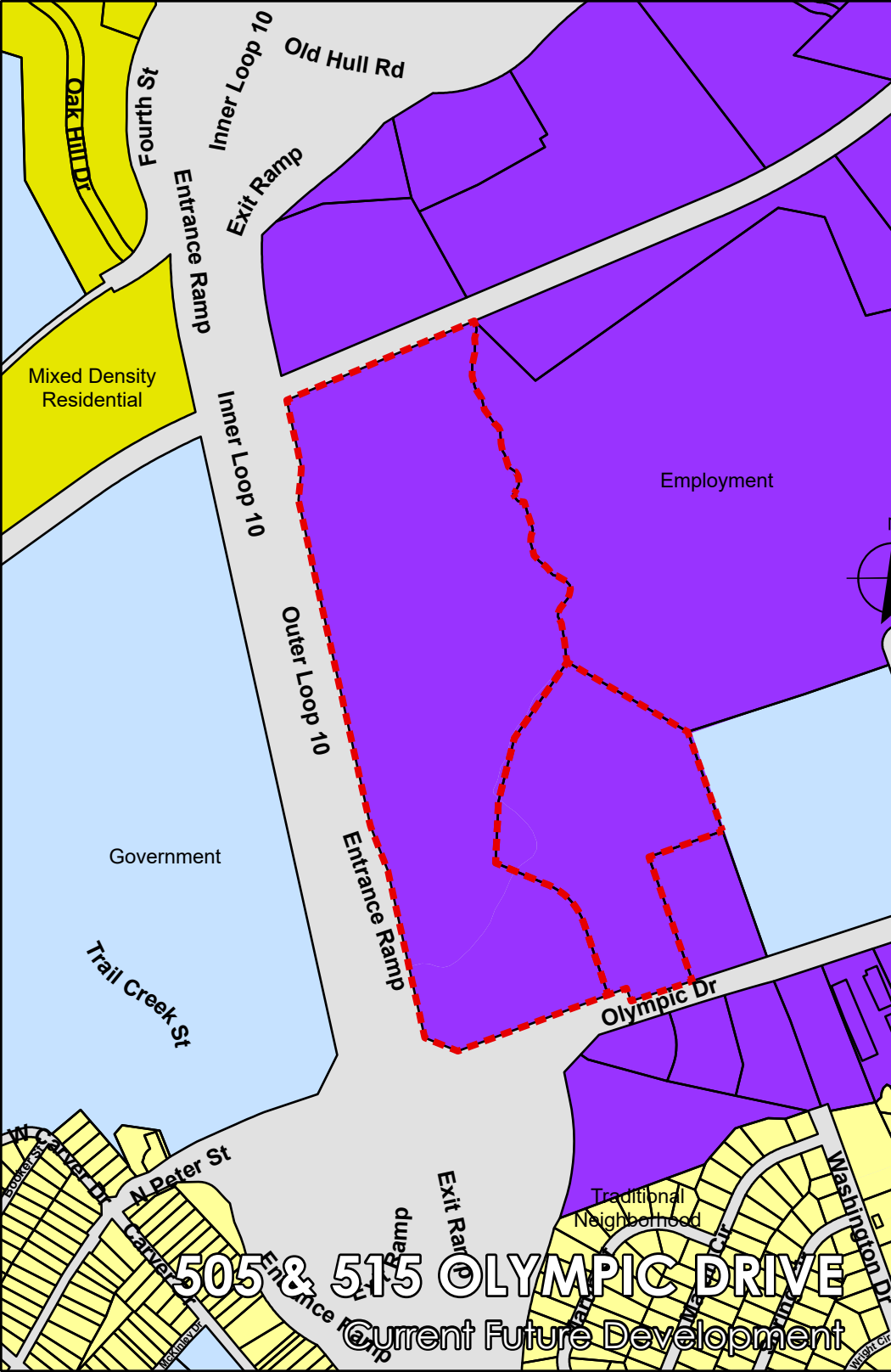
10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

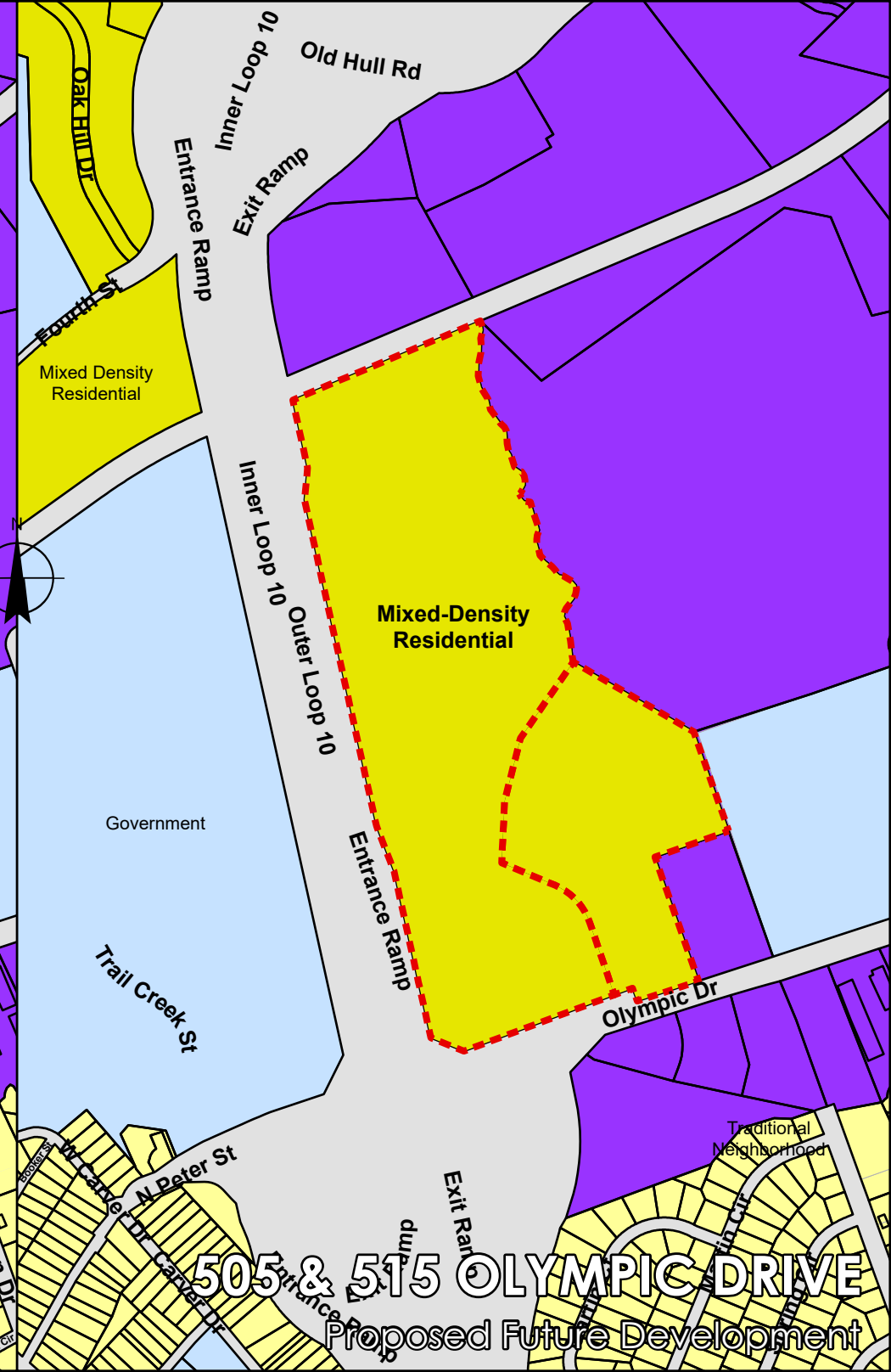
11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment.

12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

13. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

Public Notice: In accordance with Section 9-4-9(E), public notice of this zoning request was last posted on or near the subject property on June 22, 2022.


Oak Hill Dr
Fourth St
Inner Loop 10
Old Hull Rd
Exit Ramp
Entrance Ramp
Mixed Density Residential
Inner Loop 10
Employment
Outer Loop 10
Government
Entrance Ramp
Trail Creek St
Olympic Dr
W Carver Dr
N Peter St
Traditional Neighborhood
Washington Dr
505 & 515 OLYMPIC DRIVE
Current Future Development


Oak Hill Dr
Inner Loop 10
Old Hull Rd
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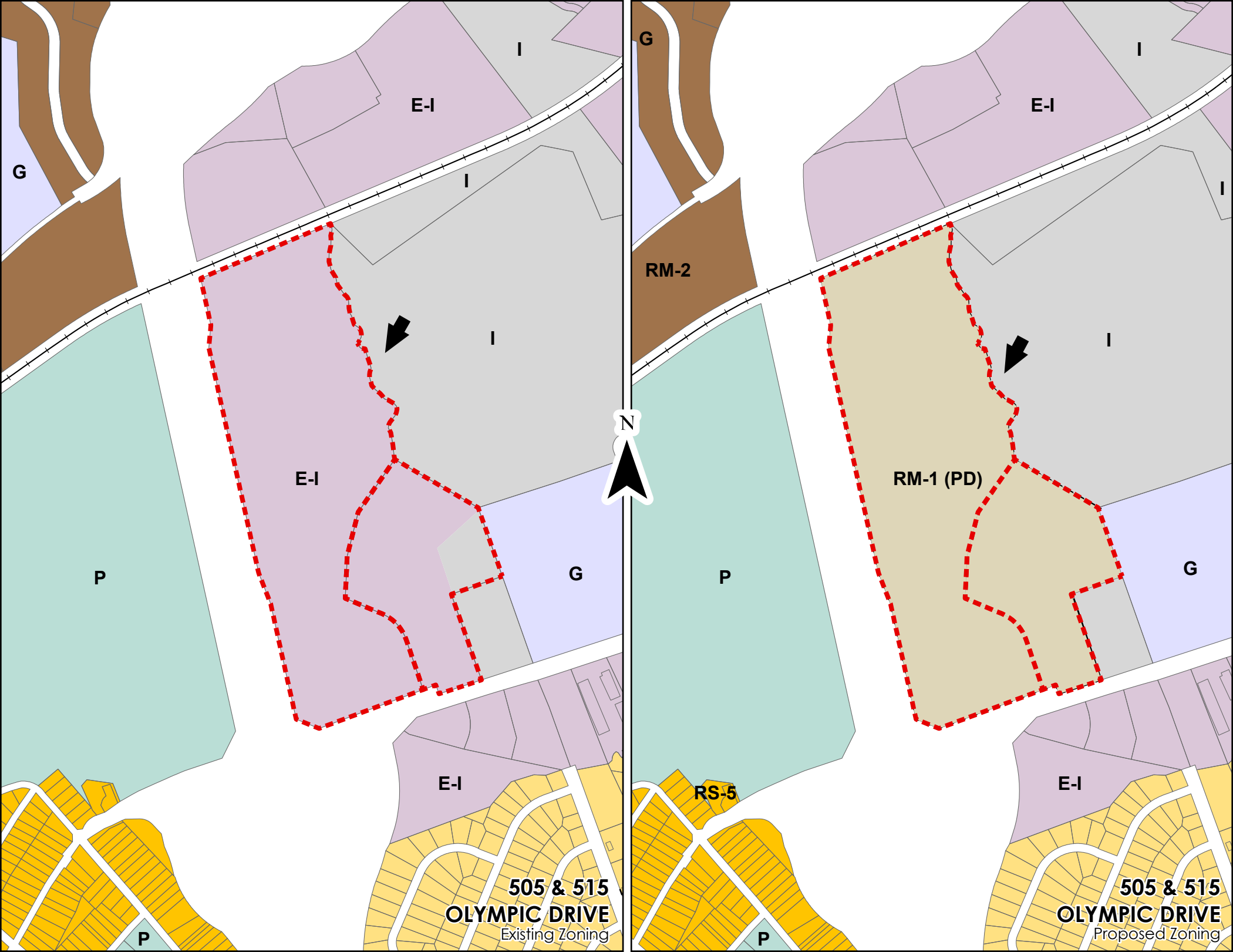
Exit Ramp
Fourth St
Mixed Density Residential
Inner Loop 10
Outer Loop 10
Mixed-Density Residential
Government
Entrance Ramp
Trail Creek St
Olympic Dr
Traditional Neighborhood
N Peter St
W Carver Dr
505 & 515 OLYMPIC DRIVE
Proposed Future Development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505 & 515
OLYMPIC DRIVE
Existing Zoning
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RM-2
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RM-1 (PD)
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E-I
RS-5
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505 & 515
OLYMPIC DRIVE
Proposed Zoning

To: Planning Commission
From: Planning Staff
Date: June 30, 2022

Re: Attached letter from Chamber of Commerce

Attached is a letter from the Chamber of Commerce that had been sent in response to a recently requested rezoning request on Spring Valley Road. Staff finds that many of its concerns could be applied as well to the proposed Olympic Drive rezoning on your July 7th meeting agenda.

ATHENS AREA
CHAMBER OF COMMERCE

November 2, 2021

Attn: Brad Griffin
Planning and Zoning Department
Athens-Clarke County Unified Government
P.O. Box 1868
Athens, GA 30603

Dear Brad,

The Athens Area Chamber of Commerce is a membership-based organization with over 800 members employing over 11,000 people. Our work is focused on creating an environment in which businesses can flourish for years to come.

As you know, Clarke County is the smallest county in Georgia and, as such, we really have to be highly conscientious as to how remaining land will be used. Land that is, by all indications, most effectively used for industrial purposes must be zoned accordingly. The property on 1310 Spring Valley Road (289.476 acres) is critical for the continued economic growth of this county. Through the Staff Recommendation report, it is noted that the property was zoned for Industrial purposes as early as the 1960's. In 2002, the property owner (presumably to stave off property tax increases) asked that the property be converted to Agricultural. With the adoption of the 2018 Future Land Use Map this property was designated as an Employment Center. The current property owner is now requesting the property to be zoned as an E-I property.

We strongly support the rezoning to an E-I designation. Virtually all contiguous property has a similar designation meeting this meeting the best, most effective utilization of the property. Athens must maintain and grow as an employment center for the region. This property is a vital component of the growth as determined by the interest it has received.

We are grateful for the consideration of the Planning Board on this request.

Sincerely,

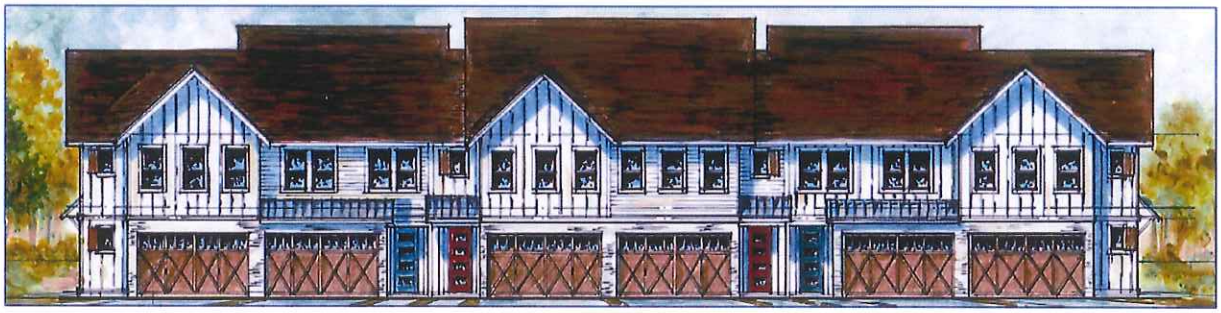
David Bradley
President/CEO

Binding
R Cie 7-12-22

MILL CREEK
RESIDENTIAL

Amavi Athens Preserve – Application Report

05/24/2022



Prepared by:

Michael Canady

Vice President, Land Acquisition

Mill Creek Residential

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EXECUTIVE SUMMARY

The proposed Planned Development is for a Mill Creek Residential multifamily townhome community. Currently, the property is vacant land. The proposed development would consist of 310 for rent townhomes, with a mix of 2 bedroom one-story and 3 bedroom two-story units. The community will have first class amenities, including a pool, clubhouse, fitness center, dog park, and gated entrances.

The proposed development would improve the site by providing high-quality housing in a location that is convenient to downtown Athens. The one-story (ranch style) townhomes will appeal to the active adult demographic (aged 50+ years old), while the two-story product will appeal to young professionals and families looking for proximity to downtown and Loop 10.

Although the subject property is currently zoned for an industrial use, lies within the Employment future land use, and has adjacent uses that are industrial, the property is also within a few hundred feet of Trail Creek Park, Mixed Density Residential, and Traditional Neighborhood future land uses. The applicant believes that a multifamily community would provide a complimentary use to its industrial neighbors, as those employment centers will need quality housing for their employees.

The proposed development will provide a unique, high quality alternative to existing multifamily product. Mill Creek Residential plans to own and operate the proposed neighborhood for at least 10 years and hopes to become an excellent neighbor within the Athens Community.

Existing Site Description

The site is located at 505 and 515 Olympic Drive, Athens, GA 30601. The 64 acre site is an irregular shape and is bounded by Loop 10 to the west, a railroad to the north, Olympic Drive to the south, and employment centers to the east, including an industrial warehouse and a United States Postal Service Office. Trail Creek runs through the center of the site. The current Athens Clarke County Future Land Use Map indicates that the subject parcel is in the Employment future land use classification, and the site is currently zoned E-I and E-O.



Existing Surrounding Conditions

The subject site is surrounded by varying uses. West of the site is Loop 10, in addition to an on ramp that leads to Loop 10. Trail Creek park is located on the opposite side of the highway.



To the north is a railroad track with vacant land currently zoned E-I. The south is bounded by Olympic Drive, and there is currently vacant industrial land on the other side of the road. The neighbor to the east is a pair of industrial buildings, which sell plumbing and electrical supplies.

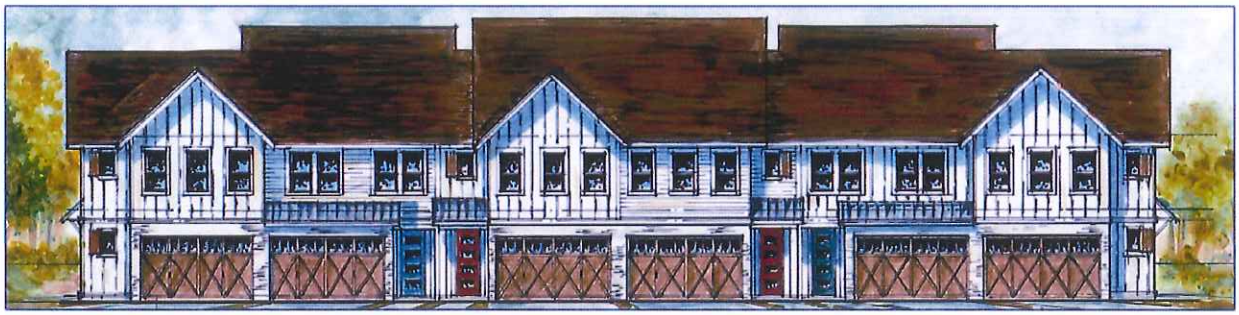


Proposed Land Use

The proposed development is a multifamily townhome community. The rental community shall have 310 townhomes on one plat. Homes will range in size from 1,100 to 1,700 square feet, and the community will feature an amenity area.

The proposed use is not permitted within the current E-I and E-O zoning districts, which is why we are seeking a re-zoning to RM-1. Although the property is adjacent to industrial uses, it is also within 1,000 feet of multiple residential uses and a large park.

The homes will be constructed with a mix of cementious based siding and brick exteriors. Other architectural elements include columns, shutters, and garages.





Congruence with Surrounding Uses

The area surrounding the subject property has a mix of uses, including active industrial properties, vacant industrial land, a major highway, a park, and residential uses within 1,000 feet of the property.



Proposed Future Land Use and Zoning Considerations

The developer is requesting a re-zoning from E-I and E-O to RM-1 and a change in future land use from Employment to Mixed Density Residential.

Traffic Analysis

Mill Creek employed Keck + Wood to perform a traffic analysis on the subject property. Below are their findings.

TRIP GENERATION

The traffic that would be generated by the proposed development was estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual (TGM) 11th Edition. The trips expected to be generated by this development were determined using ITE Land Use Code 215 – Single-Family Attached Housing; the independent variable used to calculate the number of generated trips was number of dwelling units. Table 1 provides a breakdown of the anticipated trip generation information.

Table 1 - Trip Generation

Land Use Code 215 - Single-Family Attached Housing 331 Dwelling Units		Weekday			AM Peak Hour			PM Peak Hour		
		Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Total Car Trips		2472	1236	1236	166	51	115	195	111	84
Pass-By Trips	*0% AM / 0% PM*	0	0	0	0	0	0	0	0	0
New Trips	*(Total Trips - Pass-by Trips)*	2472	1236	1236	166	51	115	195	111	84

The data in the ITE TGM indicates there are no pass-by trips associated with this land use. Therefore, all the trips associated with this development will be new trips. In the AM Peak, it is anticipated that more vehicles will be exiting the proposed development, whereas in the PM Peak more vehicles are anticipated to enter the proposed development.

A traffic impact study is currently being developed for the proposed development and will be submitted to Athens-Clarke County Unified Government as soon as it is completed. The traffic impact study will evaluate the existing roadway infrastructure with the proposed development built.

Lighting

Lighting to be utilized on the site shall be in the form of street lighting throughout the community. Light poles, consistent with other residential neighborhoods, shall be placed intermittently between townhome buildings. All signage shall also have lighting built into the structure. Lighting choices have been made to provide safety and security to tenants, reduce light spillage onto neighboring properties, enhance the architectural features, and conserve energy. The proposed lighting intensity will comply with the ACC lighting ordinance.

Water, Sanitary Sewer, and Stormwater

Alliance Engineering has been retained by Mill Creek to perform all engineering on the site. Alliance has been in contact with ACC Public Utilities and Public Works to discuss our water, sanitary sewer, and stormwater management plan. Below are comments from those discussions.

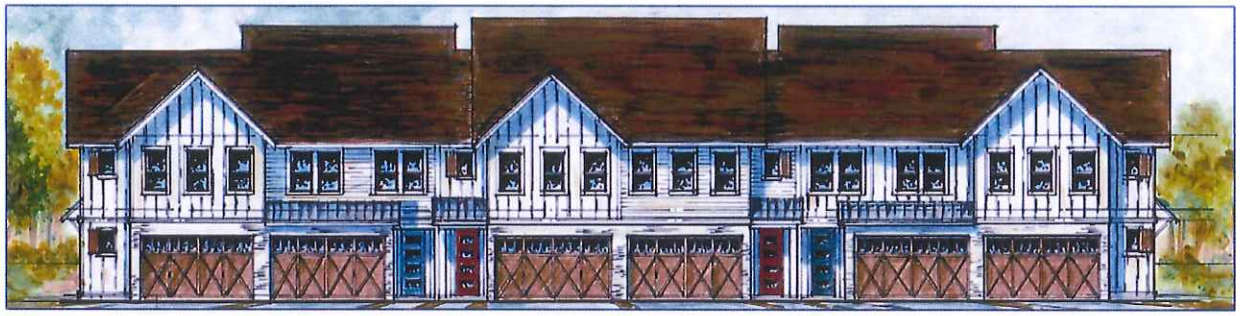
ALLIANCE reached out to Athens/Clark County (A/CC) Planning Department for guidance on establishing pre-submittal reviews by the Economic Development Department (EDD), Public Utilities Department (PUD) (water and sewer departments) and Public Works Department (PWD) (stormwater department). The PUD responded, directing ALLIANCE to prepare and submit a request letter that includes: the name of the proposed development, street address, tax parcel identification number, proposed density of the development (number of units and total number of beds), the zoning designation, proposed domestic water and sanitary sewer demands, location map, and plan showing proposed development. The PUD further advised ALLIANCE that the fee for evaluations is $150 for sanitary sewer and $50 for water. The PUD estimated at least a week to review all submitted information, with requests for follow-up information after that. Currently, the requested information has been submitted to the PUD and is under review.

ALLIANCE heard back from the PWD regarding setting up a stormwater plan review meeting. The PWD requested an existing conditions plan sheet that shows all the environmental areas/resources to accompany the site plans already submitted by ALLIANCE. The PWD advised ALLIANCE that, due to a busy schedule, they would reach out with a meeting date once one became available during the week of 2/28/22 – 3/4/22.

Ongoing Maintenance

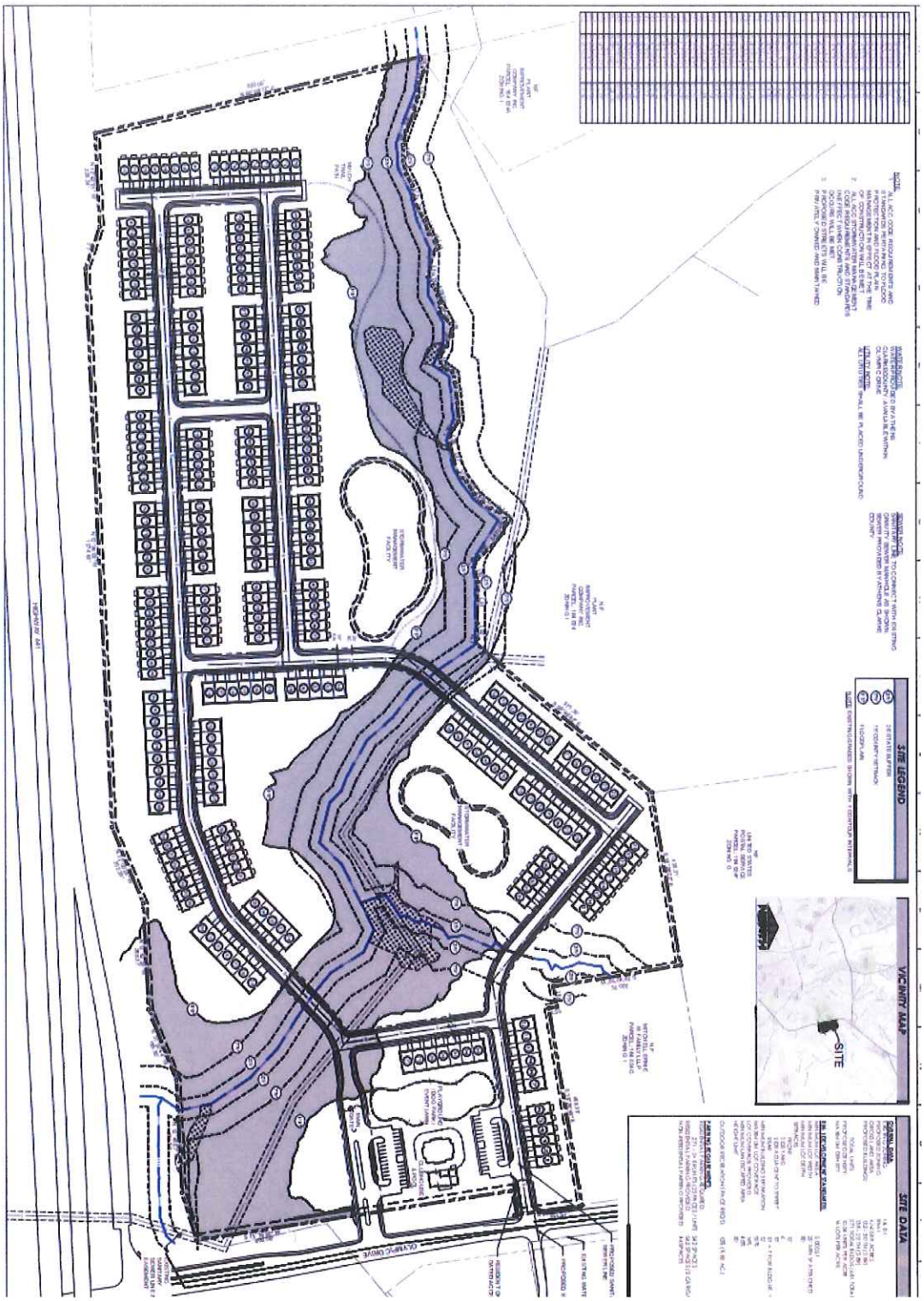
Mill Creek will be the owner of the property. Mill Creek will be responsible for all the maintenance of the premises. Mill Creek prides itself in quality, well maintained facilities, and invests in long term capital improvements as necessary. Mill Creek owns and operates over 20,000 homes across 79 communities in the United States and continually exceeds averages in industry surveys from ORA and Kingsley for online reputation and resident satisfaction. Maintenance is handled through an in-house facility support division that is responsible for the maintenance of all facilities, and the coordination with outside contractors for landscaping and grounds maintenance.

Proposed Plans and Elevations

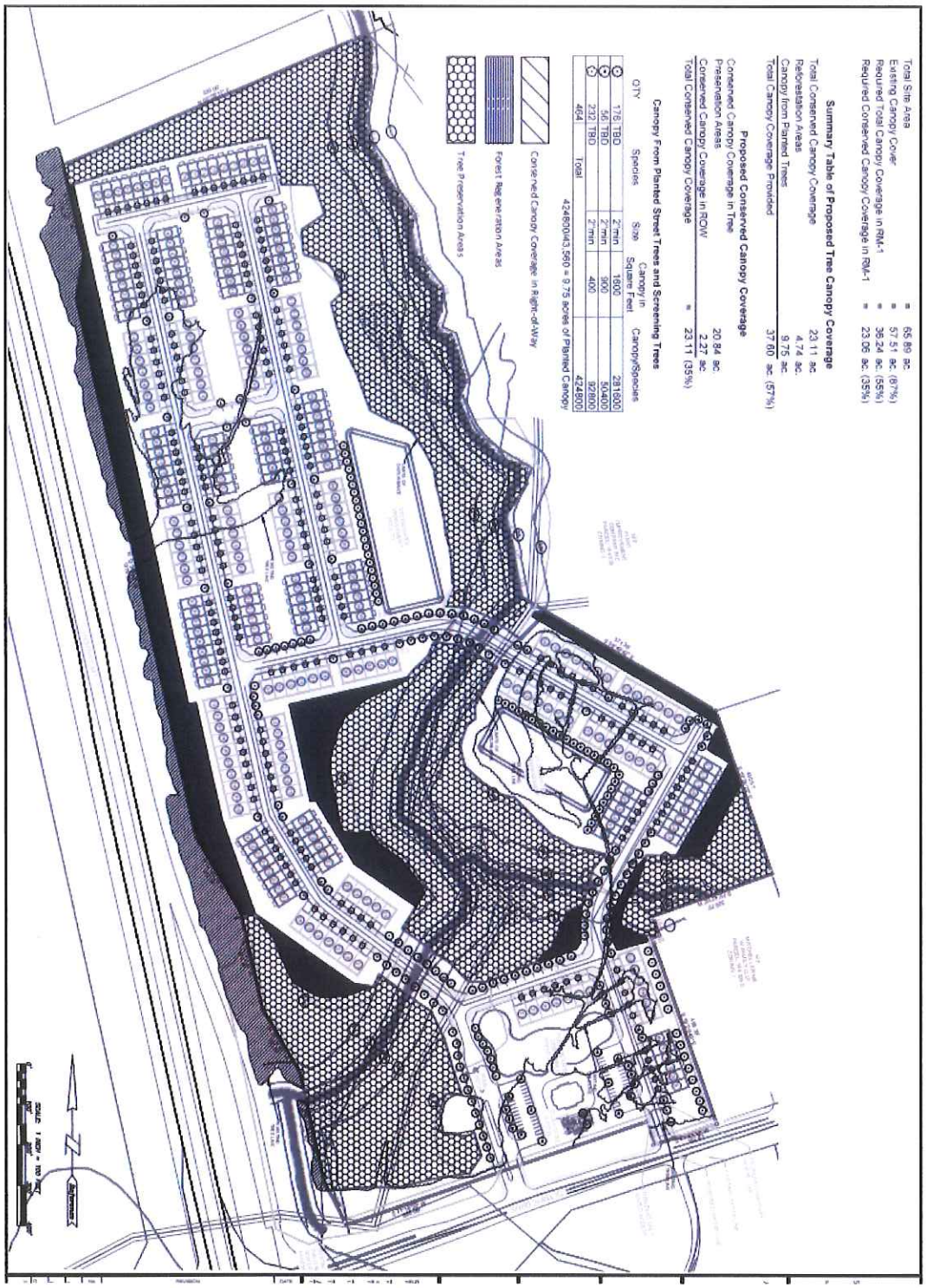




Proposed Preliminary Site Plan



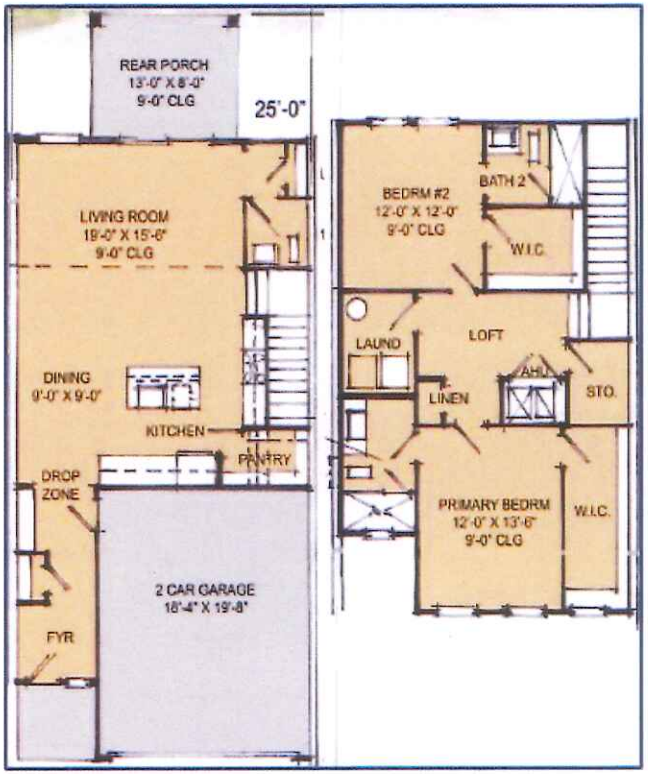
Tree Management Plan

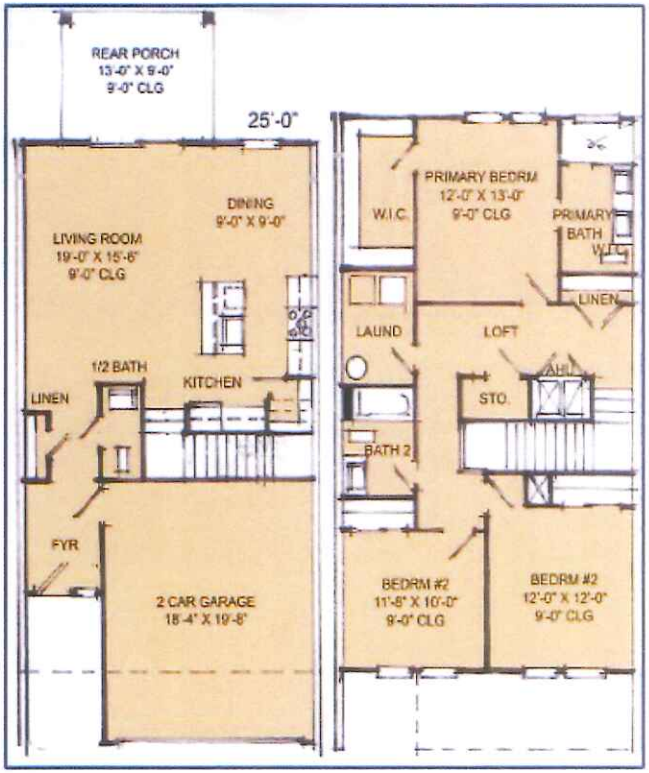


MILL CREEK RESIDENTIAL

Width: 25’
Depth: 55’
Stories: 2
Heated SF: 1,599 – 1,701

Beds: 2-3
Baths: 2.5
Garage: 2 Car



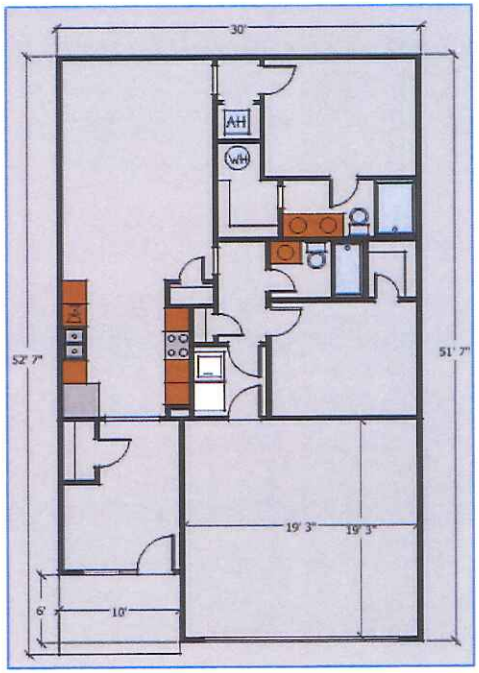




PEOPLE • PLACES • RELATIONSHIPS

Width: 30’
Depth: 52’
Stories: 1
Heated SF: 1,139 – 1,400

Beds: 2-3
Baths: 2
Garage: 2 Car





Plot Date: Tuesday, May 24, 2022 10:09:47 AM

LINE	BEARING	DISTANCE
L1	N 27°12'26" W	121.65'
L2	N 09°09'25" E	107.70'
L3	S 18°47'38" E	6.52'
L4	S 25°51'51" E	30.87'
L5	S 12°10'38" W	29.58'
L6	S 02°37'32" E	35.10'
L7	S 03°38'50" W	45.29'
L8	S 14°09'21" W	42.31'
L9	S 02°29'43" W	35.56'
L10	S 10°55'51" E	36.01'
L11	S 21°17'28" E	33.56'
L12	S 38°09'37" E	32.18'
L13	S 14°49'43" E	33.40'
L14	S 37°24'24" E	59.47'
L15	S 28°58'14" E	34.77'
L16	S 50°48'49" E	22.75'
L17	S 14°25'56" E	20.25'
L18	S 12°33'02" W	32.40'
L19	S 09°10'31" E	38.37'
L20	S 36°12'57" E	23.14'
L21	S 53°11'29" E	12.79'
L22	S 27°31'37" E	14.67'
L23	S 25°33'14" E	18.83'
L24	S 08°56'37" E	24.80'
L25	S 56°05'14" E	39.35'
L26	S 21°56'58" E	13.11'
L27	S 08°09'24" W	44.04'
L28	S 22°48'28" W	30.12'
L29	S 17°20'34" E	29.19'
L30	S 83°43'20" E	28.27'
L31	S 24°54'07" E	28.07'
L32	S 15°44'59" E	51.02'
L33	S 14°03'36" E	44.97'
L34	S 27°44'25" W	22.54'
L35	S 17°38'38" W	21.64'
L36	S 17°29'32" E	17.71'
L37	S 23°07'49" E	21.51'
L38	S 57°50'20" E	33.59'
L39	S 41°03'30" E	36.09'
L40	S 35°24'12" E	21.31'
L41	N 85°26'27" E	8.88'
L42	S 64°01'48" E	26.56'
L43	S 79°45'53" E	26.16'
L44	S 49°09'08" E	20.66'
L45	S 12°02'51" E	9.73'
L46	S 03°06'36" W	26.11'
L47	S 30°17'16" W	36.68'
L48	S 38°09'31" W	50.83'
L49	S 15°56'49" W	22.66'
L50	S 24°08'16" E	37.58'
L51	S 09°11'02" E	102.06'
L52	S 11°03'17" E	36.31'
L53	S 14°53'10" W	10.67'
L54	S 19°49'55" E	50.57'
L55	S 70°37'48" W	20.10'
L56	N 18°30'11" W	59.96'

NOTE:
1. ALL ACC CODE REQUIREMENTS AND STANDARDS PERTAINING TO FLOOD PROTECTION AND FLOOD PLAIN MANAGEMENT IN EFFECT AT THE TIME OF CONSTRUCTION WILL BE MET.
2. ALL ACC STORMWATER MANAGEMENT CODE REQUIREMENTS AND STANDARDS IN EFFECT WHEN CONSTRUCTION OCCURS WILL BE MET.
3. PROPOSED STREETS WILL BE PRIVATELY OWNED AND MAINTAINED.

WATER NOTE:
WATER PROVIDED BY ATHENS CLARKECOUNTY; AVAILABLE WITHIN OLYMPIC DRIVE

UTILITY NOTE:
ALL UTILITIES SHALL BE PLACED UNDERGROUND

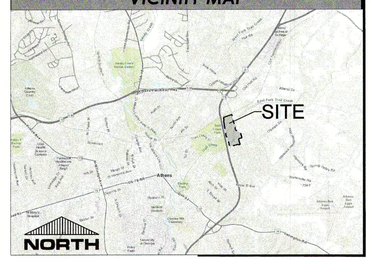
SEWER NOTE:
SANITARY LINE TO CONNECT WITH EXISTING GRAVITY SEWER MANHOLE AS SHOWN. SEWER PROVIDED BY ATHENS CLARKE COUNTY.

SITE LEGEND

25'	25' STATE BUFFER
75'	75' COUNTY SETBACK
FP	FLOODPLAIN

NOTE: EXISTING GRADES SHOWN WITH 1' CONTOUR INTERVALS

VICINITY MAP



SITE DATA

OVERALL DATA:

EXISTING ZONING	I & E-I
PROPOSED ZONING	RM-1
GROSS LAND AREA	+/-65.89 ACRES
PROPOSED BUILDINGS:	132 - 30' TH (2 BR) 139 - 25' TH (3 BR)
TOTAL UNITS:	271 TOTAL BLDGS (681 TOTAL BR)
PROPOSED DENSITY:	10.36 UNITS PER ACRE
MAXIMUM DENSITY	16 LOTS PER ACRE

RM-1 DEVELOPMENT STANDARDS:

MINIMUM LOT AREA	5,000 SF
MINIMUM LOT WIDTH	25' MIN SF ATTACHED
MINIMUM LOT DEPTH	80'
SETBACKS	
FRONT	15'
SIDE YARD	6'
SIDE ADJACENT TO STREET	10'
REAR	10' + 1' FOR BLDG HT. >25'
MINIMUM BUILDING SEPARATION	12'
MAXIMUM LOT COVERAGE	55%
LOT COVERAGE PROVIDED	16%
MINIMUM LANDSCAPED AREA	45%
HEIGHT LIMIT	30'
OUTDOOR RECREATION SPACE REQ'D:	15% (9.88 AC.)

PARKING REQUIREMENTS:

RESIDENTIAL PARKING REQUIRED:	
271 - 2+ BR UNITS (2 SPACES / UNIT)	542 SPACES
RESIDENTIAL PARKING PROVIDED:	542 SPACES (2 CAR GARAGE)
ADD'L RESIDENTIAL PARKING PROVIDED:	70 SPACES

N/F
PLANT
IMPROVEMENT
COMPANY INC
PARCEL: 164 024A
ZONING: I

N/F
PLANT
IMPROVEMENT
COMPANY INC.
PARCEL: 164 024
ZONING: I

N/F
UNITED STATES
POSTAL SERVICE
PARCEL: 164 024F
ZONING: G

N/F
MITCHELL ERNIE
W FAMILY LLLP
PARCEL: 164 024G
ZONING: I

430.51'
S 19°28'22" E

571.36'
S 59°49'24" E

320.75'
S 20°42'10" W

488.39'
S 19°26'49" E

N 69°58'03" W
1,199.58'

N 12°42'01" W
229.24'

N 12°36'00" W
1374.82'

N 32°05'26" W
202.39'

N 12°42'33" W
260.37'

N 31°32'44" W
185.82'

N 12°40'27" W
276.70'

S 11°49'50" W
800.08'

STORMWATER MANAGEMENT FACILITY

STORMWATER MANAGEMENT FACILITY

MULCH TRAIL PATH

PROPOSED SANITARY SEWER LINE

EXISTING WATER LINE

PROPOSED WATER LINE

RESIDENT ONLY GATED ACCESS

PLAYGROUND / DOG PARK / EVENT LAWN

CLUBHOUSE & POOL

MAIN GATE

OLYMPIC DRIVE

EXISTING SANITARY SEWER LINE & EASEMENT

HIGHWAY 441

Binding
R.C.e 7-12-22

ALLIANCE
ENGINEERING + PLANNING + LAND SURVEYING
LANDSCAPE ARCHITECTURE
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NOT RELEASED FOR CONSTRUCTION

Mill Creek Residential
3715 Northside Parkway, Building 200 Suite 440
Atlanta, Ga. 30327

Preliminary Plan for:
505 & 515 Olympic Drive
TAX PARCEL # 164 021 & 164 024H

Orig. Issue	1.25.22
Designed by	GB
Checked by	BW
Project #	21365

NORTH

SCALE: 1"=100'
0 100

ZONING PLAN

4.22.22

File Location: e:\dropbox (oep)\01-civil projects\00-projects\mill creek residential\21365 - olympic tract\02-design\04wg01\concept\21365 - olympic tract concept 3.dwg, 5/24/2022 10:09:47 AM, DWG To PDF.pc3

E:\Dropbox (OEP)\01-civil projects\00-Projects\Mill Creek Residential\21365 - Olympic Tract\02-Design\Dwg\01-Concept\21365 - Olympic Tract Concept 3.dwg, 5/24/2022 10:09:47 AM, DWG To PDF.pc3

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO **SPECIAL USE APPROVAL IN THE C-D (WE) (COMMERCIAL–DOWNTOWN, WEST END DOWNTOWN DESIGN AREA) DISTRICT ON THE APPROXIMATE 0.32-ACRE PARCEL OF LAND LOCATED AT 347 WEST HANCOCK AVENUE;** AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the current C-D (WE) (Commercial Downtown, West End Downtown Design Area) district in which is located an approximate 0.32-acre parcel of land at 347 West Hancock Avenue, Athens, Georgia, is hereby amended to provide for Special Use approval to establish a fraternity use, as shown on Attachment A hereto. The subject parcel is more fully described as follows:

All that approximate 0.32-acre parcel of land as described by that certain site plan entitled "Plat for: CR Athens Holdings, LLC" dated February 9, 2022, prepared by Baseline Surveying & Engineering, Inc., stamped "Binding 7-12-22," and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 0.32-acre parcel of land at 347 West Hancock Avenue, Athens, Georgia is designated as tax parcel number 171A2 E001A 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 W. Dougherty Street, Athens, Georgia. The date of this amendment shall be duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of four sheets in total, with each sheet being numbered and titled in the lower-right hand corner and stamped "Binding 7-12-22." The respective number, title, and date of each sheet is listed below.

Sheet No.:	Title:	Date:
1 of 1	Project 22-2639S Administrative Subdivision Plat	02/09/2022, last revised 3/21/22
A100	Stevens-Thomas House ca-1849 347 W Hancock Ave, Athens, GA 30601	
A200	347 W Hancock Ave, Athens, GA 30601	
L100	Stevens-Thomas House ca-1849 347 W Hancock Ave, Athens, GA 30601	

The binding site plan associated with this ordinance is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

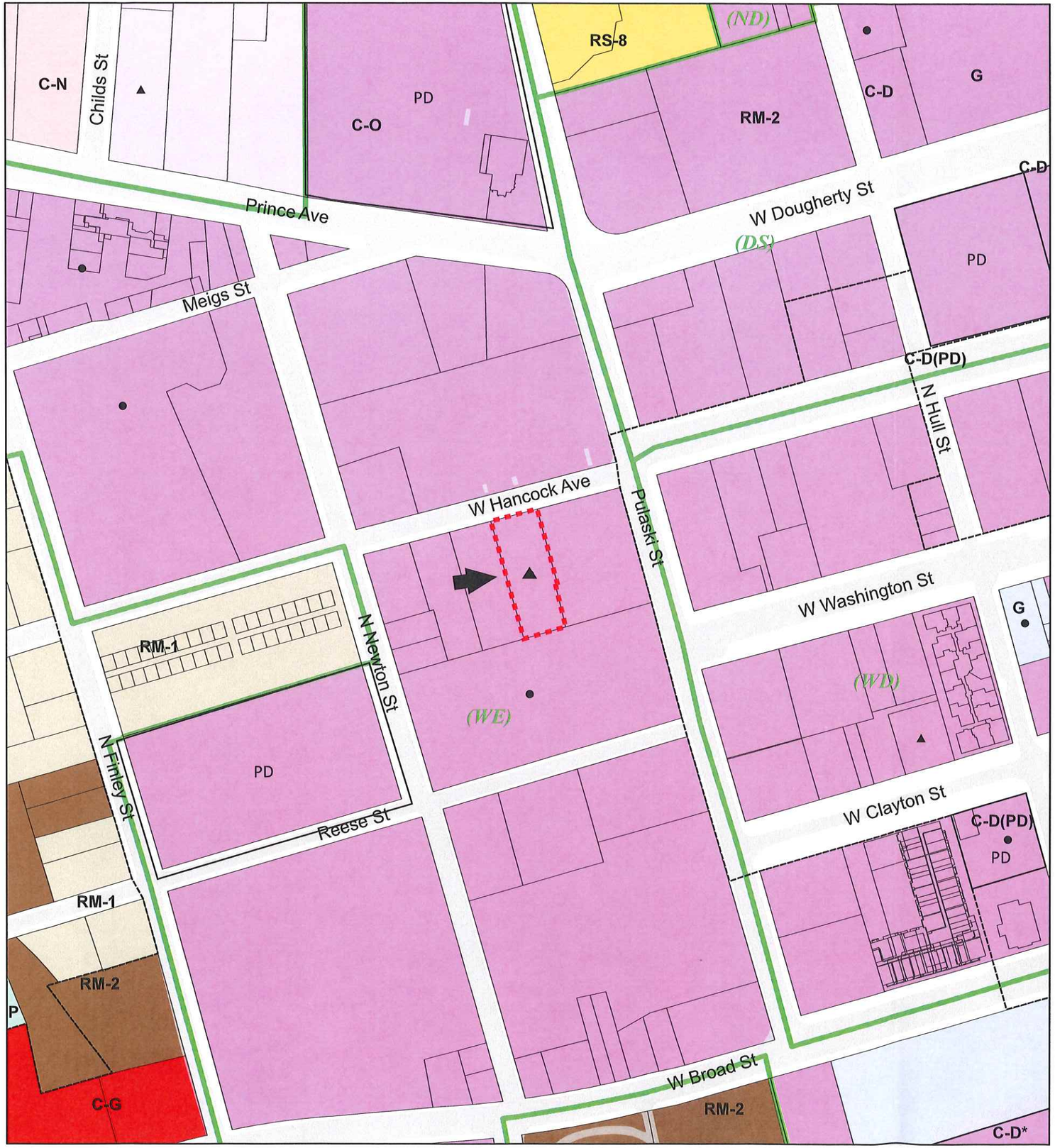
The binding written report associated with this ordinance and incorporated herein by reference consists of nine pages, being entitled "Report to Support the Special Use Application Phi Kappa Tau Fraternity" dated June 2, 2022, stamped "Binding 7-12-22," prepared by Armentrout Matheny Thurmond, P.C., and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

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

1. Off-site parking agreement(s) meeting the minimum parking requirements of Sec. 9-10-4 and the standards of 9-30-8 shall be approved in form by the Athens-Clarke County Attorney and recorded by the applicant prior to permitting.

2. The Special Use Permit shall expire 12 months after approval by the Mayor and Commission, at which time the fraternity shall cease operations on the subject property.

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



The Official Zoning Map
of Athens-Clarke County

Legend

- P, Parks
- IN, Institutional
- C-G, Commercial-General
- C-D, Commercial-Downtown
- C-N, Commercial-Neighborhood
- C-O, Commercial-Office
- C-R, Commercial-Rural
- E-I, Employment-Industrial
- E-O, Employment-Office
- G, Government
- I, Industrial
- AR, Agricultural Residential (1 unit per 10 acre density)
- RM-1, Mixed Density Residential (16 multi-family units per acre)
- RM-2, Mixed Density Residential (24 multi-family units per acre)
- RM-3, Mixed Density Residential (50 multi-family units per acre)
- RS-5, Single-Family Residential (5,000 sq. ft. min. lot area)
- RS-8, Single-Family Residential (8,000 sq. ft. min. lot area)
- RS-15, Single-Family Residential (15,000 sq. ft. min. lot area)
- RS-25, Single-Family Residential (25,000 sq. ft. min. lot area)
- RS-40, Single-Family Residential (40,000 sq. ft. min. lot area)

Parcel boundaries of the site are determined by legal description. The parcels shown on this map are to be used only as a guide.

- Downtown Design Areas
  - *(DHD)*, Downtown Historic District
  - *(WD)*, West Downtown
  - *(ED)*, East Downtown
  - *(DS)*, Dougherty Street
  - *(RIV)*, River
  - *(WE)*, West End
  - *(ND)*, North Downtown
- Airport Overlay
  - AZ1, Precision Approach Zone
  - AZ2, Larger Than Utility Runway Nonprecision Approach Zone
  - AZ3, Utility Runway Nonprecision Approach Zone
  - TZ, Transitional Zone
  - RPZ, Runway Protection Zone
  - PSZ, Primary Surface Zone
- 78/316 Special District Overlay
- PD Planned Development
- * Zoning with Conditions
- Historic District
- RM-LTD, Mixed Density Residential Limited Overlay
- Conditional Use
- GSRC, Gaines School Road Corridor Special District Overlay
- MAC, Milledge Avenue Corridor Special District Overlay
- WBS, West Broad Street Special District Overlay
- Winterville Boundary
- Bogart Boundary
- ACC Boundary
- Railroads
- ▲ Special Use
- ● Historic Landmark

160 80 0 160 320 480 Feet

ATTACHMENT A	SUP-2022-06-1480 SPECIAL USE PERMIT
523	**347 WEST HANCOCK AVENUE** David W. Matheny / AMT, PC 347 Downtowner, LLC & The Hancock House, LLC
FROM: **C-D (WE)**	TO: **Special Use in C-D (WE)**

TAX PARCEL #	PLANNING COMMISSION MEETING DATE	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE
171A2 E001A	July 7, 2022	August 2, 2022

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: July 7, 2022	FILE NO: SUP-2022-06-1480

LOCATION: 347 West Hancock Avenue
APPLICANT: David W. Matheny / AMT, PC
OWNER: 347 Downtowner, LLC & The Hancock House, LLC
REQUEST: Special Use in C-D (WE) (Commercial-Downtown, West End Downtown Design Area)
DISTRICT: 3

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Mr. Hall made a motion to recommend approval w/ conditions. Mr. Tucker seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Absent			
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall Present	X			Monique Sanders Absent			
Alice Kinman Present	X			Joey Tucker Present	X		
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	7	0	0

For: Bret Thurmond, Alan Cleveland
Against: Liz DeMarco, Kyle Tibbs Jones, Stephanie Lynn
Rebuttal: Bret Thurmond

Discussion: The Planning Commission discussed the appropriateness of a fraternity use in the Downtown area,

Motion: Mr. Hall made a motion to recommend approval with the following conditions:

1. Off-site parking agreement(s) meeting the minimum parking requirements of Sec. 9-10-4 and the standards of Section 9-30-8 shall be approved in form by the ACC Attorney and recorded by the applicant prior to permitting.
2. The Special Use Permit shall expire 12 months after approval by the Mayor and Commission, at which time the fraternity shall cease operations on the subject property.

Mr. Tucker seconded the motion, which passed unanimously.

STAFF REPORT
SPECIAL USE PERMIT
SUP-2022-06-1480
347 WEST HANCOCK AVENUE
JULY 7, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT	David W. Matheny/ AMT, PC
OWNER	347 Downtowner, LLC & The Hancock House, LLC
REQUEST	Special Use in C-D (WE) (Commercial-Downtown, West End Design Area)
TYPE OF REQUEST	Type II
LOCATION	347 W. Hancock Avenue
COUNTY COMMISSION DISTRICT	3
SUBJECT PROPERTY AREA	0.32 acres
PRESENT USE	Office
PROPOSED USE	Fraternity
TAX MAP NUMBER	171A2 E0001A
ADJACENT USES AND ZONING	(E) Office / C-D (WE) (Commercial-Downtown, West End Design Area);
	(S) Fraternity / C-D (WE) (Commercial-Downtown, West End Design Area)
	(N) West Hancock Avenue; Church / C-D (WE) (Commercial-Downtown, West End Design Area)
	(W) Parking Lot / C-D (WE) (Commercial-Downtown, West End Design Area)
STAFF RECOMMENDATION	**Table**
PLANNING COMM. RECOMMENDATION	**Approval w/ conditions**

II. PURPOSE

The purpose of this request is to seek approval of a Special Use Permit to establish a fraternity use within the Commercial-Downtown zoning district. According to Section 9-10-2 of the Athens-Clarke County Zoning and Development Standards, a proposed new fraternity or sorority use in a Commercial zone requires approval of a Special Use Permit by the Mayor and Commission. The application report, site plan, and architecture of the structure associated with this request will become binding upon approval.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The 0.32-acre subject parcel is located on the southern side of Hancock Avenue, one parcel west of the intersection with Pulaski Street. This parcel and all surrounding property are zoned C-D (WE) (Commercial-Downtown, West End Downtown Design Area). To the north across Hancock Avenue is the First Baptist Church. To the east is a commercial office building. To the south is the SAE Fraternity. To the west are two parcels with surface parking lots. The one directly adjacent was divided from the subject property as a separate lot in March 2022. The subdivision plat denoted that the existing parking

lot could no longer be used for such use; this recorded restriction is due to the prohibition of parking as a principal property use in the C-D zone without Special Use approval.

The subject property contains a two-story structure with 5,444 square feet. The property has a local landmark designation from 1991 and is known as the Steven Thomas House. While built as a residence in 1849, the structure has been used as a commercial office for many years.

IV. PROPOSED DEVELOPMENT

The proposal is for a Special Use Permit in the C-D (WE) (Commercial-Downtown, West End Design Area) zoning district to allow a fraternity use within the existing structure. No modification to the site or structure are proposed for the project. The building would house up to eight fraternity members within the existing four bedrooms on the upper floor of the building, plus an on-site resident director. The ground floor of the building would contain the common and assembly areas for the fraternity at the front portion of the building, while the single-story rear portion would contain the suite for the resident director. Nine parking spaces would be provided off-site within 1,500 feet for the nine potential residents of the property. A specific location of the off-site parking has not been indicated at this time.

Note that under Section 9-10-4, only residential uses within the C-D (Commercial-Downtown) zoning district are required to have parking provided. Therefore, no additional parking would be required to accommodate chapter meetings and other on-site events.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE DEVELOPMENT MAP

The Future Development Map indicates that the subject property is designated as *Downtown*, which is defined as follows:

Retail, office and entertainment uses are encouraged as is high-density multifamily housing. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants and vehicle sales, are not included in this designation. As parking is handled on a district level, off-street parking for individual commercial development is not intended. Parking structures with commercial uses on the street-level frontage are encouraged rather than surface parking lots. This area should have strict design requirements to protect historic integrity and to ensure that new buildings develop in a form and architectural style compatible with existing downtown character.

The Special Use Permit application does not include a request to change the existing C-D (WE) (Commercial-Downtown, West End Downtown Design Area) zoning designation. Since the zoning and the proposed use are compatible with the *Downtown* Future Development Map designation, an amendment to the Future Development Map is not required and the application is being processed as a Type II request.

II. COMPATIBILITY WITH VISION STATEMENTS, ISSUES AND OPPORTUNITIES & POLICIES

Some of the relevant 2018 Comprehensive Plan vision statements, issues, opportunities, and policies include:

- Housing options that reflect the diversity and meet the needs of the community, including housing for families and a diverse workforce. These are quality options with a variety of types, prices, and locations.
- A vibrant downtown with less vehicles, but more open space, this is clean, walkable, and park-like.
- The preservation and adaptive reuse of existing structures offers benefits both financially and environmentally. Historic structures also contribute to heritage tourism.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to obtain a Special Use Permit, pursuant to Section 9-10-2, for use of the subject property as a fraternity. This application does not propose an amendment to the current C-D (WE) (Commercial-Downtown, West End Downtown Design Area) zoning designation.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

The Special Use Permit process is primarily intended to review requests for specific uses in order to ensure that the use in question will not have an adverse impact on the surrounding properties. As found in Section 9-20-5, a Special Use Permit shall be granted if the approval authority finds that the proposed use conforms, or can be made to conform through the imposition of conditions, to the following approval criteria. Staff comments regarding the ability of the current request to satisfy each criterion are provided below.

Criteria and Comments:

A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant Comprehensive Plan policies that are implemented by any Athens-Clarke County, State, or Federal law or program?

Fraternities within the C-D (WE) (Commercial-Downtown, West End Downtown Design Area) zoning district may be allowed by Special Use Permit approval. The application report, site plan, and architectural elevations will be binding for the development. It is the responsibility of the applicant to request variances for any and all deviations from applicable zoning and development standards. The binding plans and report do not release the developer from the responsibility to fully comply with all Athens-Clarke County codes not specifically waived by the terms of the Special Use Permit.

The proposed development with its fraternity use within a renovated existing structure is compatible with the Comprehensive Plan and with the *Downtown* Future Development Map designation. No formal variances have been sought as part of the application; thus, the proposal shall comply with the zoning and development standards associated with a fraternity use within the C-D (WE) zoning district.

B. Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?

The Public Utilities Department has indicated that Athens-Clarke County water and sanitary sewer capacity will be made available to serve the proposed fraternity use once a planned sanitary sewer extension to the parcel is constructed. Vehicular access to the site and on-site parking are not proposed for the fraternity use. Roll carts are proposed for trash pick-up with those to be stored in an enclosure to be created behind the house. No food service or kitchen are proposed, and no regular deliveries are expected. No modification to the impervious surface on the site or any stormwater facility improvements are planned. The Public Works Department does not have any comments regarding the proposal at this time. Athens-Clarke County Transit serves the area through existing routes along both Hancock Avenue and W. Broad Street. Public sidewalk exists along the Hancock Avenue frontage.

C. Will the special use have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:

1. ***Similarity in scale, bulk, and coverage.***
2. ***Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.***
3. ***Architectural compatibility with the surrounding area.***
4. ***The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors or other environmental pollutants.***
5. ***Generation of noise, light, and glare.***
6. ***The development of adjacent properties compatible with the future development map and the zoning district.***
7. ***Impact on future transportation corridors.***
8. ***Impact on the character of the neighborhood by the establishment of the proposed use in conjunction with similar uses.***
7. ***Other factors found to be relevant by the hearing authority for review of the proposed use.***

As the proposed use will involve reuse of the existing structure, the proposed change of use would not include changes in scale, bulk, or coverage. If any exterior modifications to accommodate the fraternity use are proposed in the future, then the architectural compatibility will be reviewed by the Historic Preservation Commission for a Certificate of Appropriateness. [Note: A Certificate of Appropriateness application was reviewed and approved for proposed changes to the building and property for a bed & breakfast use at the May 18, 2022 hearing.]

Traffic generation to and from the subject property as a result of the fraternity use would be limited given the lack of on-site parking. The nine residents will be provided off-site spaces within a 1,500-foot walking distance. Visitors to the property would need to find their own parking nearby, such as in one of the public parking decks, or utilize alternative transportation, such as public transit, walking or bicycling. The provided Parking Policy states that fraternity members will be encouraged to utilize public parking decks, downtown on-street parking spaces, public transit, ride-share or bicycles. Alternatively, members will be discouraged from utilizing neighborhood street parking, such as the on-street spaces located nearby on Newton Street.

The proposed fraternity use should not have an appreciable effect on air quality or water quality, nor generate dust, odors, or other environmental pollutants beyond that of other downtown developments. All exterior lighting would be required to meet current ordinance restrictions, which also protect

against glare. An increase in noise is anticipated during events on the site. Compliance with Athens-Clarke County Noise Control regulations set forth in Section 3-5-24 would be required.

Since all properties within the immediate area are identically zoned, it is the opinion of Staff that the location of a fraternity at the existing structures should not create any negative impact on the future development of surrounding parcels.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

A fraternity use includes residential and assembly components, similar to those that might be seen with a club or restaurant in a building with residential uses on upper levels. These small-scale, mixed-use parcels are common within the downtown area and typically co-exist well due to the usual assembly times not conflicting with the office and retail uses in the vicinity.

II. POPULATION

The proposal includes a total of five bedrooms to house up to nine residents. Although this will directly increase the population in the area, the project still remains well under the maximum 200 bedrooms per acre allowed by the C-D (Commercial-Downtown) zoning.

III. ENVIRONMENT

No environmental areas are found on the subject property. No modification to the existing trees on the site is proposed; no street trees are required within the C-D (Commercial-Downtown) zoning district; and, no on-site parking is proposed that would require parking lot trees. Therefore, a tree management plan is not required for this project.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

No on-site parking is proposed as part of the project. No regular delivery needs are anticipated and trash pick-up would utilize roll carts. All parking for residents and visitors to the proposed fraternity would be off-site.

Parking is required for the residential portion of the use at the rate of one space per each of the one- or two-bedroom units. This would mean a minimum requirement of nine spaces. The application denotes that an off-site parking agreement would be secured for the nine residents to park their vehicles within the1,500 feet maximum walking distance allowed under Section 9-10-4. No specific location for the agreement has been indicated at this time.

Other visitors would be responsible for securing their own parking at an off-site location of their choice. Aside from on-street parking available in the near vicinity, the public parking deck at Washington Street and Lumpkin Street is at roughly a 1,200’ distance. The Transportation Policy Statement provided by the applicant and required under Section 9-30-8-G also describes the use of public transportation, walking, and bicycling.

Public sidewalk exists along the Hancock Avenue street frontage. Athens-Clarke County Transit serves both Hancock Avenue and West Broad Street.

The Transportation and Public Works Department does not have any comments or concerns regarding this proposal at this time.

V. GRADING AND DRAINAGE

The project will not include any modification to the impervious lot coverage on the site or any additional stormwater measures.

VI. WATER AND SEWER AVAILABILITY

The Athens-Clarke County Public Utilities Department comments that sufficient ACC water and sanitary sewer capacity will be available once a planned sanitary sewer extension to the parcel is constructed.

VII. FIRE PROTECTION

The Athens-Clarke County Fire Department has reviewed this request and has the following comments:

- ACCFES can provide fire protection without any fire services being affected or additional cost for fire equipment or personnel.
- Fire apparatus can access this project without need of a turnaround.
- The building must have sprinkler and alarm systems.

RECOMMENDATIONS

I. STAFF RECOMMENDATION ON SPECIAL USE PERMIT – Table

The proposed fraternity resembles a mixed-use project found in the immediate vicinity (Georgia Heights, 115 East Broad Street), although of a much smaller scale. Given the subject property location within the C-D (Commercial-Downtown) zone, surrounded by these larger mixed-use projects, government and university uses, the proposed fraternity is expected to have minimal adverse impact.

However, Staff has a concern with the lack of specificity regarding the proposed off-site parking location since those spaces are a requirement of zoning compliance.

Furthermore, the subject property has recently been issued a Certificate of Appropriateness for a bed and breakfast use, the plans of which are also currently being reviewed for Staff permitting. The plans include parking and building additions, which are not shown on the binding Special Use plans.

For these reasons, Staff recommends a table to allow additional time for the applicant to provide the following:

1) Off-site parking agreement(s) meeting the minimum parking requirements of 9-10-4 and otherwise complying with Section 9-30-8.
2) Revised binding site and building plans reflecting the approved COA plans and the plans currently being reviewed for Staff permitting.

II. PLANNING COMMISSION RECOMMENDATION – Approval w/ conditions

The Planning Commission considered the request at their regular meeting on July 7, 2022 and recommended approval with the following conditions:

1) Off-site parking agreement(s) meeting the minimum parking requirements of 9-10-4 and otherwise complying with Section 9-30-8.
2) The Special Use Permit shall expire 12 months after approval by the Mayor and Commission, at which time the fraternity shall cease operations on the subject property.

III. CURRENT STATUS

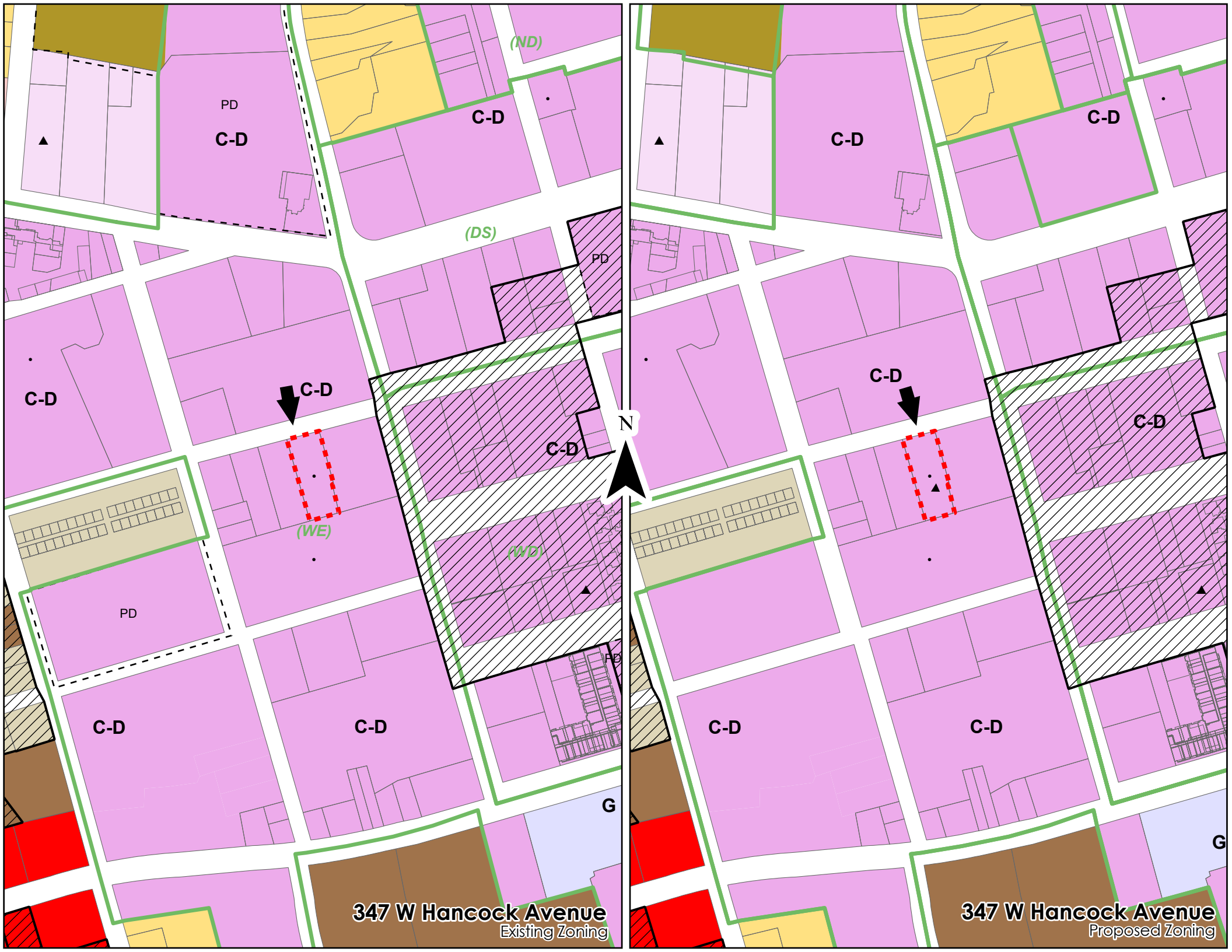
The request and the Planning Commission recommendation are scheduled for presentation to the Mayor and Commission at their agenda setting on July 19, 2022. The Mayor and Commission are scheduled to take action on this request on August 2, 2022.

REPORT FOR: 347 W. Hancock Avenue

Reviewed	Not Applicable	Zoning Criteria for Type II Special Use Request
	X	1. The proposed rezoning conforms to the future development map.
X		2. The proposed special use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements.
X		3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning or special use.
X		4. Existing land use pattern surrounding the property in issue
	X	5. Possible creation of an isolated district unrelated to adjacent and nearby districts
X		6. Population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities and streets
X		7. The cost of the unified government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures
X		8. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity
X		9. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations
	X	10. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment
X		11. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

Public Notice

In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property(s) on June 22, 2022.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347 W Hancock Avenue
Existing Zoning
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347 W Hancock Avenue
Proposed Zoning

Binding
R Cie 7-12-22

Report to Support the Special Use Application Phi Kappa Tau Fraternity

347 W. Hancock Avenue Athens, Georgia

Parcel #: 171A2 E001A

June 2, 2022

amt ENGINEERS ARCHITECTS PLANNERS

Armentrout Matheny Thurmond, P.C.
330 Research Drive, Suite A-240
Athens, GA 30605
Phone: 706-548-8211
www.amtathens.com
AMT pc Project #14102

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347 W. Hancock Avenue
Athens, Georgia

Parcel #: 171A2 E001A

June 2, 2022

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- Water & Sewer Evaluation Request
- Phi Kappa Tau Parking Policy

Plan Sheets:

- House Elevations Approved by Historical Preservation Commission
- Special Use Site Plan
- L100 Existing Tree Survey
- A100 As-Built Floor Plan

Report to Support the Special Use Application Pi Kappa Phi Fraternity

Introduction:

The Beta Xi Chapter of Phi Kappa Tau Fraternity was located at 558 West Broad Street but the chapter house was sold for a new development. As a result, the chapter is seeking a permanent location. In the interim, the fraternity has leased the house at 347 W. Hancock Avenue and desires to obtain a Special Use approval to occupy the house. The site which contains 0.6 acres of land is identified as tax parcel 171A2 E001A in the Athens-Clarke County Land Records. A Special Use Application is required. The current zoning is C-D (Commercial-Downtown) and the future development map is *Downtown;* both of which allow for a fraternity house. Information below reflects the intent and timing of the planned move and how the requirements for the Special Use Application are satisfied.

Site Characteristics:

The subject property is comprised of an existing historic two story 5,444 sf house and an asphalt parking lot with approximately 24 spaces. Paved walkways exist on the property. The site is accessed by a driveway from West Hancock Avenue. The remainder of the site contains lawn and ornamental landscaping along with scattered mature trees throughout the site. The property is surrounded by C-D zoned properties. There is a RM-1 zoned property that does not abut the property to the west at the corner of W. Hancock and North Newton Street.

Topography for the site is gently sloped from the front and falls off to the rear of the property. The slope has an average fall of 4%. Stormwater runoff for the site drains along the slope over land. All stormwater enters the Athens-Clarke County storm drainage system on West Hancock Avenue, Pulaski Street and Reese Street.

The owner wishes to occupy and operate as a fraternity at this location for the period of the lease: 1 year. The fraternity will utilize the existing 4 bedrooms on the second floor. The 4 double occupancy bedrooms limits the residency to 8 fraternity members. The required number of parking spaces is at least 8. Nine leased parking spaces will be provided for members living in the house plus the resident director. The majority of fraternities at UGA have houses with occupancies ranging between 20 and 40 members.

Zoning Request and Future Land Use:

There is no change to the current zoning or future land use as it exists. The future land use is *Downtown* of which the fraternity and C-D zoning is compatible.

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Buffers:

No environmentally sensitive features or state water buffers are located on or within 200 feet of the subject property. Screening buffers are not required for the site adjacent since it is to C-D zoned properties. No improvements are proposed on the property.

Site Access, Traffic, Parking and Pedestrian Safety:

Access to the site is from an existing driveway on West Hancock Avenue. No vehicle traffic will be allowed onsite. The fraternity does not have permission to use the parking lot on the property and intends to lease the required parking spaces for those that live in the house. The fraternity will not operate a kitchen as there is no kitchen in the house, therefore; no food deliveries are needed. Chapter meetings and other events may take place at the house. The first floor continues approximately 2,243 square feet of assembly space. This does not include restrooms. Based upon the assembly calculation in the Athens-Clarke County Ordinances, this results in 50 parking spaces required for assembly purposes. In C-D zone however, only residential occupancies have a requirement for parking. This is no requirement for parking for assembly purposes in the C-D zone. The fraternity transportation policy fully describes the leased parking arrangements. All other members, alumni and guests must park elsewhere in the downtown area. There is ample paid parking in a number of parking decks, on streets and other private paid lots.

Since the fraternity has approximately 70 members, average daily traffic to the fraternity house will be significantly less than the 1000 vehicle trips which would require a traffic analysis. The majority of members traveling to the site will use the UGA transportation system which provides regular service to the downtown area. The site can support the fraternity without parking on-site or additional parking for alumni events because it is in the downtown area.

No on-site parking is provided. The downtown area has sufficient parking to meet Athens-Clarke County Code requirements for events. There are 2 public parking garages within 1,500 feet of the house. The parking garage on Thomas Street is 2,300 feet. Members will ride the UGA transportation system to class, share rides amongst members that have a leased parking space as well as walk and ride bikes. Pedestrian access is provided by the existing sidewalk along West Hancock Avenue. See the attached Phi Kappa Tau Transportation Policy.

Tree Management Plan and Planting:

The C-D zone does not require tree conservation nor any minimum canopy coverage. The property fronts West Hancock Street and several very large oak trees on the property. No existing trees will be impacted by this Special Use. No new trees will be planted. See the attached plan identifying the existing trees on-site.

Public Utilities and Services:

There is no change in the number or design of the utilities for the site. The site is served by Athens-Clarke County public water and sewer located in the right-of-way on West Hancock Street. There is no sprinkler system in the house. A 13R System will be installed per Athens-Clarke County requirements for the fraternity use. Athens-Clarke County should have sufficient

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capacity for water and sewer demands. Solid waste will be collected in roll carts as well as recycling. Roll carts will be stored at the rear of the house in an enclosure meeting Athens-Clarke County Ordinance.

Stormwater Management:

All improvements on the site were constructed prior to the adoption of the stormwater ordinance. For this reason, there is no on-site stormwater management facility. There are no planned improvements and therefore, no stormwater management plan is required. All stormwater flows overland to adjacent properties and West Hancock Street. Adjacent property stormwater flows to Pulaski Street and Reese Street.

Lighting:

Existing site lighting consists of building mounted lights. No change is proposed to the current outside lighting.

Special Use Considerations:

1. Conformance with the Future Development Map

   The site is located in an area designated as *Downtown* in the Future Development map of Athens-Clarke County. The *Downtown* designation anticipates a broad variety of uses, including commercial retail, services, and housing. The existing C-D zoning is compatible with the future land use plan and a fraternity is allowed following a Special Use Process. The UGA transportation system provides service along West Broad Street. There is an Athens-Clarke County bus stop at Newton Street and West Broad approximately 1,300 feet from the house by sidewalk. The UGA bus also uses this bus stop. Fraternity members and guest will typically use these as their main means of transportation during the day. Weekly chapter meetings will result in some members driving to the area. Meetings are Monday evenings and sufficient parking is available for Monday nights in the downtown area. Special events such as game day do provide a challenge for parking. Fraternity members will share rides, park downtown and walk to the event or take alternate transportation to the property.

2. Conformance with the Zoning Ordinance and purpose and intent of Comprehensive Plan

   The house is existing. All area and dimensional requirements for the site comply with the current zoning requirement and a fraternity house is allowed within the C-D zone subject to Special Use Approval. Fraternity use of the house in the current location is in congruence with the intent and guiding principles of the comprehensive plan.

3. Public Services are sufficient to service the proposed Special Use.

   The existing site is currently served by public water and sewer, electricity, gas and communication lines. The fraternity use of the house will not have any adverse affect on these utilities. A water and sewer service analysis has been requested from

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Athens-Clarke County Public Utilities for verification that the needs of the project can be accommodated by existing water and sewer. The public transportation system can adequately support this use. Leased parking for all residents in the house will be obtained.

4. The proposed Special use will not adversely affect the balances of Land Use in Athens-Clarke County.

   This Special Use Application requests fraternity use on an existing property. This will not result in any change to or affect the balance of land use in Athens-Clarke County.

5. The Proposed use is in conformance with the zoning district, all comprehensive plan policies and state and federal laws

   The proposed use meets all the requirements of the zoning district.

6. Adequate Capacity of water, sewer, paved access, electricity, storm drainage and storm drainage.

   As previously indicated in this report, the existing site is adequately served by public facilities. Furthermore, Athens-Clarke County Public Utilities will verify that water and sewer services are adequate for use.

7. The Special Use will not have an adverse impact on the surrounding area

   a. Similarity in scale, bulk and coverage:

      The house is located within the Downtown Character Area West End. The current house was constructed in 1849. An approved plan of expansion to be implemented after the fraternity lease expires has passed the Historic Preservation Commission review. The use by the fraternity will not alter the house.

   b. Character of volume of traffic and vehicular parking generated by proposed use and effects on surrounding streets:

      As previously indicated, the majority of members traveling to Phi Kappa Tau will use public transportation by riding UGA transportation. Ride sharing is common as well as alternatives such as biking. On-site parking is not allowed. The traffic associated with the proposed conditions is not out of scale with the downtown area nor with the previous use by owners of the house as an office. Therefore, the proposed use will not cause any adverse impacts to the traffic on West Hancock Avenue.

   c. Architectural compatibility with surrounding area:

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The existing house was constructed in 1849. It is located on the West End Downtown Character area. It is a historic structure. No alterations are proposed for this use.

d. Possible environmental impacts including but not limited to, drainage, soil erosion and sedimentation, flooding, air and water quality

There is no environmental impact from the proposed use of this house because no changes are planned to the structure or the grounds.

e. Generation of noise, light and glare:

The proposed use will not result in additional generation of noise by the fraternity or additional light and glare impacts on adjacent properties. Existing site lighting is to remain. No new lighting for the site is proposed.

As typical with most fraternities, Phi Kappa Tau hosts member events. Current conditions limit the location of events to the first-floor common area of the house. No residences abut the property except for another fraternity property. There should be no impact of noise, light or glare on these adjoining properties.

f. Impacts on development of adjacent properties compatible with the future development maps:

All properties immediately surrounding the site are zoned and developed for commercial and downtown uses. The proposed us of the existing house and structure will not infringe on any future development rights for the adjacent properties.

g. Impacts on future transportation corridors:

Approval of the Special Use for the house will result in a minimal traffic increase for West Hancock Avenue because no parking is allowed on site. Leased spaces will be maintained for residents and is not expected to generate significant traffic volume that would impact the commercial downtown zone. There will be no impact on future transportation corridors throughout the county.

Conclusion:

The proposed use of the existing house for the Phi Kappa Tau Fraternity will not adversely impact the surrounding properties and adjacent downtown zoned uses. This project meets the requirements of the Athens-Clarke County Code of Ordinances.

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ENGINEERS
ARCHITECTS
PLANNERS
amt
ARMENTROUT • MATHENY • THURMOND

June 1, 2022

Mr. John Halley
Athens Clarke County Public Utilities Department
124 E. Hancock Avenue
Athens, GA 30601

Re: Water and Sewer Usage-Phi Kappa Tau-347 W. Hancock Avenue, Athens, Georgia
Armentrout Matheny Thurmond, P.C., Project No. 22192

Dear Mr. Halley:

A Special Use Application is being filed with the Athens-Clarke County Planning Department to allow Phi Kappa Tau Fraternity to locate to 347 W. Hancock Avenue, Athens, Georgia. This property is zoned C-D and further identified as tax parcel 171A2 E001A containing 0.6 acres. Pursuant to the Special Use Application requirements, I am requesting a water and sanitary sewer capacity evaluation for the subject property.

The fraternity will move into the house at this location with no significant changes. The fraternity house will have a total of 4 bedrooms with 8 beds. The site is served by private water & sewer service lines which connect to the public water & sewer lines in West Hancock Avenue.

Total water usage for this project is projected as follows:

4 bedrooms x 100 gpd/bedroom	400 gpd
peak	5 gpm

Wastewater for this project is anticipated to be approximately 85% the water usage or 340 gpd.

If you have any questions or require further information about this project, please feel free to contact me.

Sincerely,

Armentrout Matheny Thurmond, PC

Michael B. Thurmond, P.E.
President

MBT/ls/22192/doc/ltr/J. Halley 06012022

330 Research Drive, Suite A240 • Athens, GA 30605
Tel 706.548.8211 • Fax 706.548.1814 • www.amtathens.com

Phi Kappa Tau at University of Georgia
Parking Policy

This policy and procedure is adopted by the house corporation: Georgia of Phi Kappa Tau, Inc. and will be followed by all members, initiated and uninitiated, who will be informed of this procedure at the time of recruitment and at the beginning of each semester thereafter. The purpose of this policy and procedure is to ensure the appropriate use and occupancy of the leased parking facility. There is no parking permitted on site. Parking spaces are leased by Phi Kappa Tau for the sole use of members that live in the house.

If the number of members that live in the house fall below the number of leased parking spaces, officers of the fraternity will be chosen for open leased spaces based on the chapter point system. In the event of a tie for points, as a determining factor, members will be chosen on basis of GPA (highest to lowest).

Priority for issuing parking permits for Phi Kappa Tau parking is established as follows:

1. One parking space will be reserved for the graduate resident.
2. All members who live in the chapter facility will have a leased parking space.

Members without Permits:

All members without permits are encouraged to use the University transit system. Other alternatives are ride-share, Athens-Clarke County transit or other alternate means such as motorcycle, scooters or bikes. No motorcycles or scooters will be allowed to be parked on-site. They must be parked in legal parking spaces. Parking on neighborhood streets is STRONGLY DISCOURAGED. Members who drive to the house are required to park at any downtown parking deck, privately run parking lots or paid on-street parking.

Plat Doc: PLAT
Recorded 03/23/2022 09:47AM

Beverly Logan, Clerk Superior Court
Athens-Clarke County, Ga.
Bk 0000J Pg 0272
Penalty: $0.00
Interest: $0.00
Participants: 6925354841

THIS BLOCK RESERVED FOR RECORDING INFORMATION

SURVEYOR CERTIFICATIONS

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

MATTHEW D. ULMER, GA. RLS#3069

NO PORTION OF THIS PROPERTY LIES WITHIN A 100 YEAR FLOOD PLAIN.

FLOOD INSURANCE RATE MAP #
13059C0025E 09/30/2016

MATTHEW D. ULMER,
REGISTERED LAND SURVEYOR #3069

MATTHEW D. ULMER
GEORGIA REGISTERED
LAND SURVEYOR #3069

P.O. BOX 269
WATKINSVILLE, GA 30677
706-769-6610

THIS PLAT IS NOT VALID OR RECORDABLE UNLESS SAID SURVEYOR'S SIGNATURE APPEARS IN ORIGINAL BLUE INK OVER THE STAMP.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW.

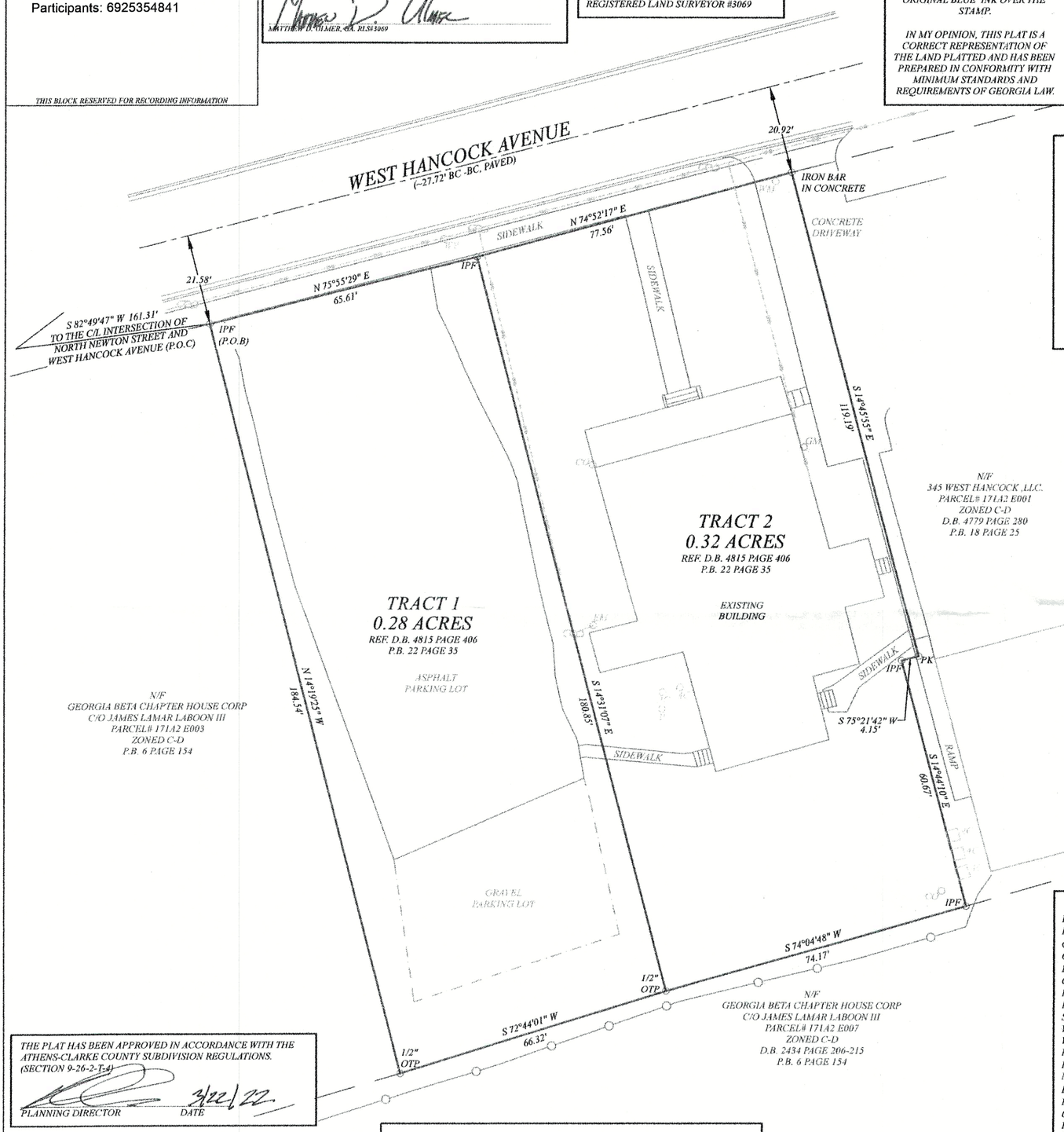
FIELD SURVEY CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 59,100 FEET, AND AN ANGULAR ERROR OF 5" PER ANGLE POINT, AND WAS NOT ADJUSTED. ALL LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON TOTAL STATION, MODEL GPT 3002.

THE FIELD WORK WAS COMPLETED ON FEBRUARY 10 ,2022.

PLAT CLOSURE STATEMENT

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 49,700 FEET.



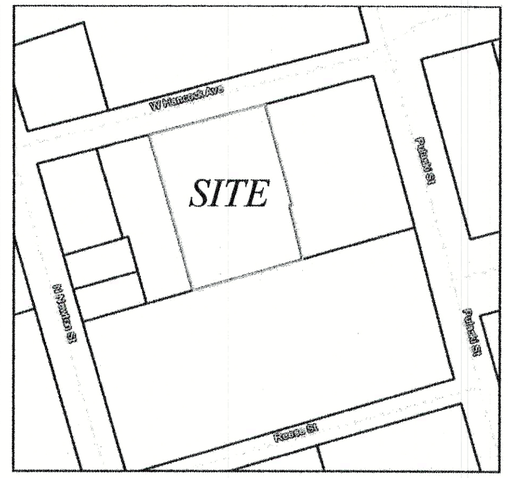
THE OWNER OF THE LAND ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

(OWNER OR AGENT)

DATE 2-28-22

OWNER INFORMATION

CR ATHENS HOLDINGS, LLC.
C/O CHASE LAWRENCE
428 NORTH MILLEDGE AVENUE
ATHENS, GA 30601
706-200-7082



VICINITY MAP

NOT TO SCALE

PROJECT DATA

PROFESSIONAL CONTACT: BASELINE SURVEYING & ENGINEERING
MATTHEW D. ULMER, GA. RLS#3069
P.O. BOX 269 WATKINSVILLE, GA 30677
MATT@BASELINEGA.COM
706-769-6610

1. TOTAL PROJECT ACREAGE: 0.60 ACRES

2. TAX PARCEL #: 171A2 E001A

3. NO ATTEMPT WAS MADE TO LOCATE UTILITIES OR IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY EXCEPT AS SHOWN HEREON.

4. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A COMPLETE TITLE SEARCH.

5. ZONED C-D(COMMERCIAL DOWNTOWN)
ALL GENERAL REGULATIONS SHOULD BE FOLLOWED PER TABLE (9-10-3) IN THE ATHENS- CLARKE COUNTY MUNICIPAL CODE .

6. SETBACK REQUIREMENTS
C-D (WEST END)
MAXIMUM SETBACK- 30'
MAXIMUM WALL COVERAGE- 50%
MINIMUM STREET SETBACK- 10'
SETBACKS STEM FROM REQUIREMENTS STEM FROM SITE DESIGN STANDARDS, RATHER THAN GENERAL REGULATIONS.

7. TRANSPARENCY, A MINIMUM PERCENTAGE OF ANY WALL FACING A PUBLIC STREET SHALL HAVE OPENINGS ACCOUNTING FOR THE PERCENTAGES PROVIDED IN SECTION 9-10-6(D4).

8. NO ACC TREES EXIST WITHIN THE RIGHT OF WAY AS SHOWN HEREON

9. ATHENS-CLARKE COUNTY WATER IS AVAILABLE

10. ATHENS-CLARKE COUNTY SANITARY SEWER IS NOT AVAILABLE.

11. TO THE BEST OF THIS FIRMS KNOWLEDGE, NO UTILITIES OR UTILITY EASEMENTS EXIST ON THIS SITE EXCEPT SHOWN HEREON.

11.TO THE BEST OF THIS FIRMS KNOWLEDGE, NO ENVIRONMENTAL AREAS EXIST ON THE SUBJECT PROPERTY.

14.FUTURE DEVELOPMENT OF ANY OF THESE TRACTS SHALL BE IN COMPLIANCE WITH ATHENS-CLARKE COUNTY STORMWATER MANAGEMENT REGULATIONS AND MAY REQUIRE PERMITTING AND CONSTRUCTION OF STORM WATER MANAGEMENT FACILITIES IN ACCORDANCE WITH APPROVED PLANS

15.THE STRUCTURE SHOWN HEREON IS OF NATIONAL LANDMARK STATUS KNOWN AS, STEVEN THOMAS HOUSE, THE STRUCTURES HISTORICAL USE WAS SINGLE DWELLING AND CURRENT USE PROFESSIONAL (LAW OFFICE). THE STRUCTURE HOLDS A "NATIONAL HISTORIC REGISTER" STATUS AND A "LOCAL HISTORIC LANDMARK" STATUS.

16. THE STRUCTURE SHOWN HEREON CONSISTS OF ONE NON RESIDENTIAL UNIT. NO BEDROOMS OR GUEST BEDROOMS SHOWN HEREON.

17.TRACT 1 PER THE ATHENS-CLARKE COUNTY MUNICODE FOR THE C-D ZONE IS NOT PERMITTED TO BE A STAND ALONE PARKING LOT. APPROVED CONSTRUCTION PLANS SHOWING FUTURE PARKING IS TO BE SUMBITTED TO ATHENS-CLARKE COUNTY PLANNING AND ZONING.

PLAT ABBREVIATIONS

IPF -	IRON PIN FOUND
IPS -	IRON PIN SET
GM -	GAS METER
CR -	CABLE RISER
R/W -	RIGHT OF WAY
C/L -	CENTERLINE
P.O.C. -	POINT OF COMMENCEMENT
P.O.B. -	POINT OF BEGINNING
SSMH -	SANITARY SEWER MANHOLE
WV -	WATER VALVE
WM -	WATER METER
FH -	FIRE HYDRANT
PP -	POWER POLE
N/F -	NOW OR FORMERLY
DB. -	DEED BOOK
PG -	PAGE
OHE -	OVERHEAD ELECTRIC
PB. -	PLAT BOOK
L.L. -	LAND LOT
GCB -	GATE CONTROL BOX
TR -	TELEPHONE RISER
DWCB -	DOUBLE WING CATCH BASIN
HW -	HEAD WALL
FES -	FLARED END SECTION
JB -	JUNCTION BOX
DI -	DROP INLET
TRAN -	TRANSFORMER
OTP -	OPEN TOP PIPE
EMH -	ELECTRIC MANHOLE
GEN -	GENERATOR
OCS -	OUTLET CONTROL STRUCTURE
P/L -	PROPERTY LINE
SS -	SANITARY SEWER
BSL -	BUILDING SETBACK LINE
FIRM -	FEDERAL INSURANCE RATE MAP
CO -	CLEAN OUT

SYMBOL LEGEND

- CALCULATED POINT
- IRON MARKER FOUND
- 1/2 " IRON PIN SET
- CONCRETE MONUMENT
- FENCE
- PP

THE PLAT HAS BEEN APPROVED IN ACCORDANCE WITH THE ATHENS-CLARKE COUNTY SUBDIVISION REGULATIONS. (SECTION 9-26-2-T-4)

PLANNING DIRECTOR 3/22/22 DATE

I HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS NECESSARY TO PROVIDE ALL STREETS AND OTHER REQUIRED PUBLIC IMPROVEMENTS IN ACCORDANCE WITH PLANS SUBMITTED TO ATHENS-CLARKE COUNTY BY THE SUBDIVIDER'S PROFESSIONAL REPRESENTATIVES HAVE BEEN SATISFACTORILY COMPLETED OR HAVE BEEN ADEQUATELY GUARANTEED IN AN AMOUNT SUFFICIENT TO SECURE SATISFACTORY INSTALLATION.

ALL DRAINAGE AND ACCESS EASEMENTS SHOWN ARE THE MAINTENANCE RESPONSIBILITY OF THE PROPERTY OWNER PER ACC POLICY.(9-26-2-T-6)

Todd Stevenson 3/22/22
PUBLIC WORKS DIRECTOR DATE

I HEREBY CERTIFY THAT ALL REQUIRED IMPROVEMENTS NECESSARY TO PROVIDE WATER AND/OR SANITARY SEWER SERVICE FROM THE ATHENS-CLARKE COUNTY WATER DISTRIBUTION AND/OR SANITARY SEWER COLLECTION SYSTEM(S), AS NOTED, HAVE BEEN SATISFACTORILY INSTALLED AND HAVE BEEN ACCEPTED BY ATHENS-CLARKE COUNTY FOR OWNERSHIP, OPERATION, AND MAINTENANCE, OR IMPROVEMENT GUARANTEES, IN AN AMOUNT SUFFICIENT TO SECURE THE SATISFACTORY INSTALLATION AND DEDICATION OF THE NECESSARY IMPROVEMENTS, HAVE BEEN PROVIDED.

Malisa Jennings 3/22/22
PUBLIC UTILITIES DIRECTOR DATE

Binding
R Gie 7-12-22

GRID NORTH

BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983 GEORGIA STATE PLANE COORDINATE SYSTEM (WESTERN ZONE)

GRAPHIC SCALE

0' 10' 20' 40' 60'

1 INCH = 20 FEET

BASELINE
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PLAT FOR:

CR ATHENS HOLDINGS, LLC.

216th GEORGIA MILITIA DISTRICT

CLARKE COUNTY

PHYSICAL ADDRESS:

347 WEST HANCOCK AVENUE
ATHENS, GA

REVISIONS	DATE
REVISIONS PER ACC COMMENTS	2-28-22
REVISIONS PER ACC COMMENTS	3-21-22

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DATE
02/09/22

PROJECT
22-2639S

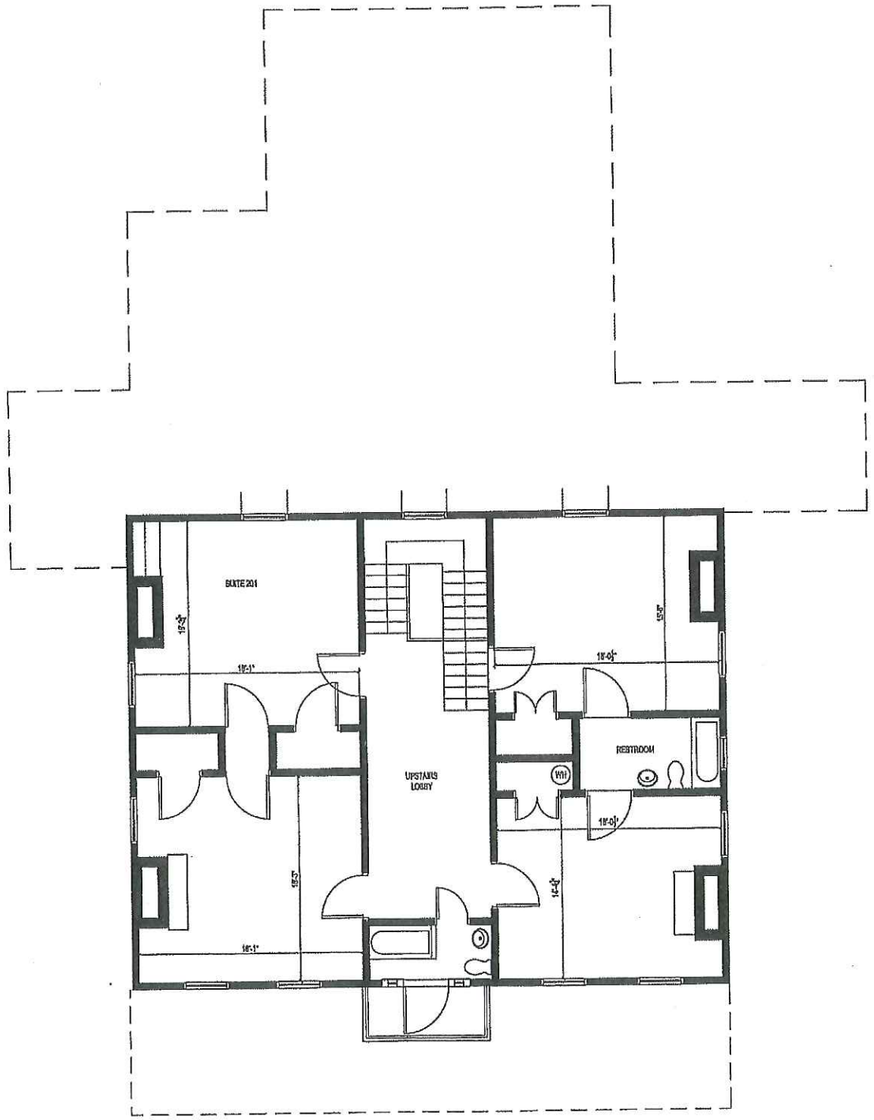
ADMINISTRATIVE SUBDIVISION PLAT

SHEET
1 OF 1

GEORGIA REGISTERED No. 3069 PROFESSIONAL LAND SURVEYOR MATTHEW D. ULMER

LSF#001108
EXPIRES 12-31-2022

Binding
R Cmo 7-12-22



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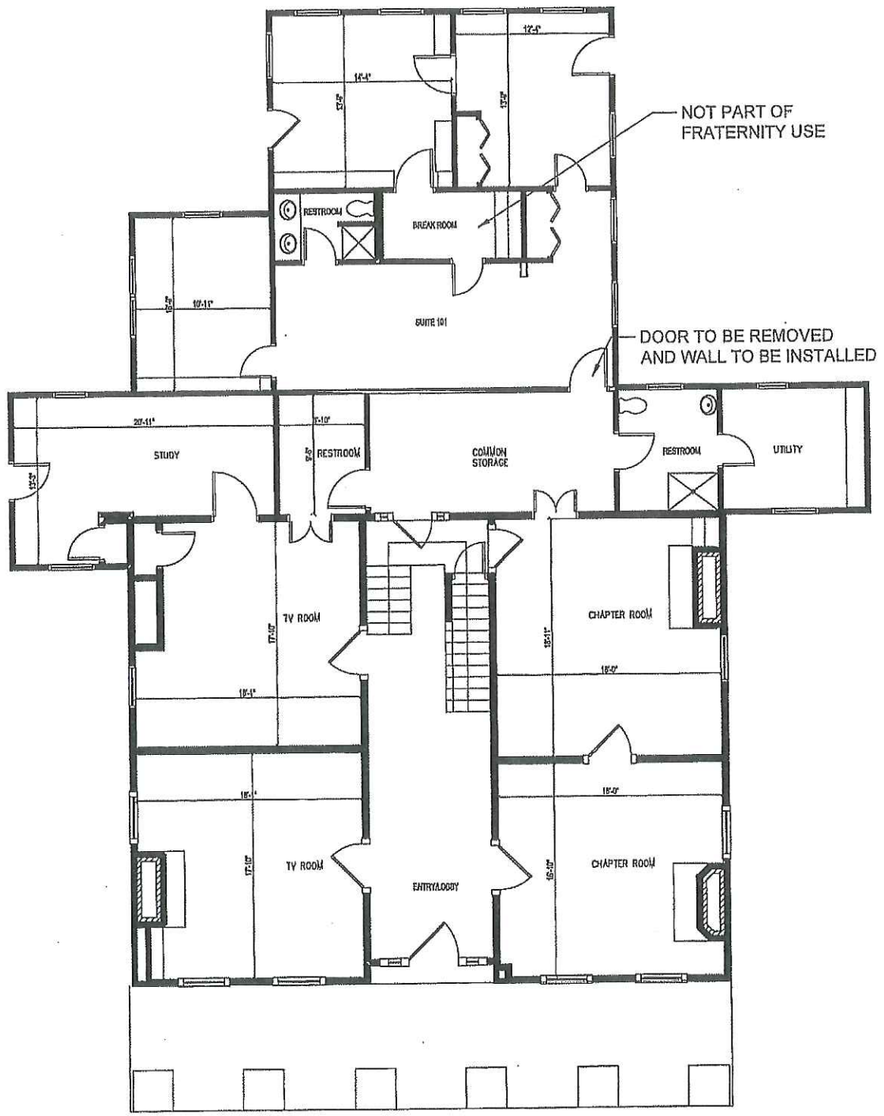

AS BUILT- FIRST FLOOR (1 / A100)
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REVISIONS

NO.	BY	DESCRIPTION

DESIGNED:
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22078
STEVENS-THOMAS HOUSE
ca-1849
347 W HANCOCK AVE,
ATHENS, GA 30601

A100

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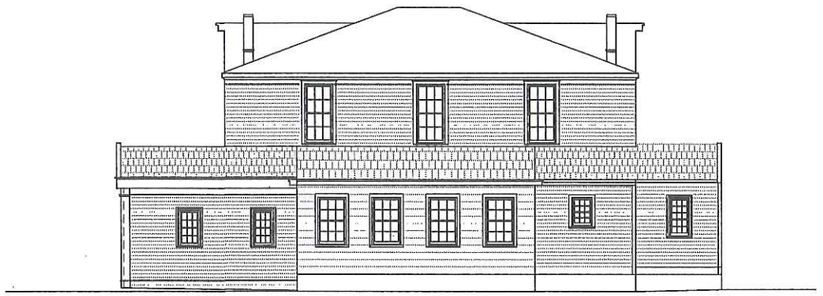

EXISTING REAR ELEVATION (4 / A200)
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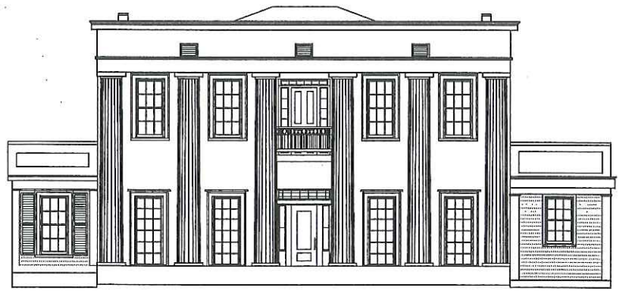
SCALE: 1/8" = 1'-0"



EXISTING RIGHT SIDE ELEVATION (2 / A200)
SCALE: 1/8" = 1'-0"



EXISTING FRONT ELEVATION (1 / A200)
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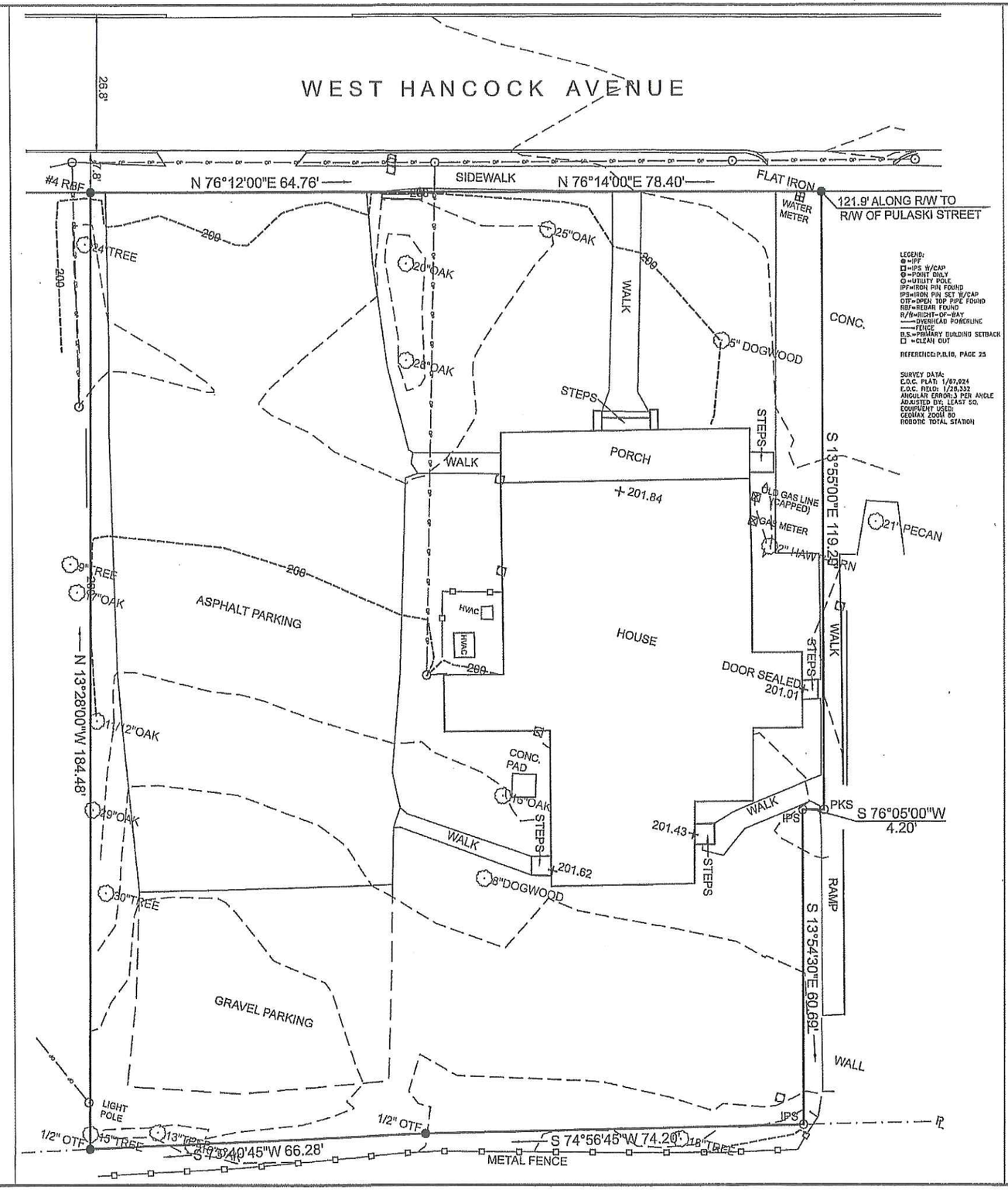

REVISIONS

DATE	PROJ. BY	DESCRIPTION

DESIGNED: AMT
DRAWN: AMT
CHECKED: MBT
APPROVED: MBT

EXPIRES: 12/31/2023

GEORGIA REGISTERED LANDSCAPE ARCHITECT KENNETH GRETTHOMPSON 06/02/2022

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N

SCALE 1"=10'

EXISTING TREE SURVEY
L100

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Richard Cowick

From: Liz DeMarco <[redacted]>
Sent: Wednesday, July 6, 2022 11:33 AM
To: Planning Internet Email; Stephen Jaques; Richard Cowick
Subject: [EXT] 347 West Hancock Avenue - SUP -2022-06-1480

EXTERNAL SENDER: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please include the following for submission to all Planning Commissioners for the July 7th meeting.

Re: 347 West Hancock Avenue - SUP -2022-06-1480

Type II – Special Use Permit

Petitioner: David W. Matheny / AMT, PC.

Owner: 347 Downtowner, LLC & The Hancock House, LLC

Dear Planning Commission and ACC Planning Department,

Only today did I realize that this Special Use Permit request is on the agenda for July 7th. A fraternity at this location does not make sense for enhancing downtown Athens. It puts significant parking, noise, and trash stress that is completely inappropriate for this location.

As I have stated for other developments in this area, for the past twenty-two years, I have lived and raised my family in a neighborhood adjacent to Downtown Athens and loved it!! Athens will benefit if we start to value the quality of living for non-students in and around Downtown.

I strongly oppose permitting this Special Use, and if I had time to organize others in the community, I feel confident that there would be overwhelming opposition.

Respectfully,

Liz DeMarco

327 Hill Street, Athens, GA 30601

[redacted]

[redacted]

Richard Cowick

From: Max Doty
Sent: Wednesday, July 06, 2022 12:10 PM
To: Richard Cowick
Subject: FW: [EXT] Special Use Permit for Phi Kappa Tau Fraternity at 347 W. Hancock. Ave.

From: JUNE BALL <[redacted]>
Sent: Wednesday, July 6, 2022 11:32 AM
To: Planning Internet Email <planning@accgov.com>; Melissa Link <Melissa.Link@accgov.com>; Allison Wright <Allison.Wright@accgov.com>
Subject: [EXT] Special Use Permit for Phi Kappa Tau Fraternity at 347 W. Hancock. Ave.

EXTERNAL SENDER: This email originated from outside of the organization.
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There is an increasing parking problem in Lower Cobbham, which would be made worse by approval of the Phi Kappa Tau fraternity. I live at 445 N. Pope Street and presently my block of North Pope Street is filled with cars every day. The employees from Model Citizen and clients for Silver and Archibald park on N. Pope every day, including on the yellow line directly across from my driveway, which is already a difficult exit. I repeatedly call the non-emergency police number to complain about the big SUVs and pickup trucks that park on the sidewalk along Hancock just east of Pope Street and block visibility when exiting from N. Pope without pulling out into Hancock. Those calls don't seem to solve a dangerous problem. We residents already have a big problem with people who don't live in the neighborhood using the available parking spaces, and allowing the Phi Kappa Tau Fraternity to move to 347 W. Hancock would make a bad problem worse. Please do not add to our parking and driving problems by allowing a fraternity to occupy 347 West Hancock.

Thank you for your consideration.

June Ball

445 N. Pope Street

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CORONAVIRUS FUNDS: ALLOCATION II FOR EXPENSES RELATED TO PREVENT AND ADDRESS HOMELESSNESS IN THE COMMUNITY; 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 CDBG – Coronavirus Relief Fund to provide grant funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) Coronavirus Funds Allocation II funding for expenses related to prevent and address homelessness in the community. Said Operating and Capital budget is hereby amended as follows:

CDBG – Coronavirus Relief Fund:

REVENUE:	
Increase:	
Housing & Community Development (HCD)	
Federal Grants	$893,937
EXPENDITURES:	
Increase:	
Operating Expenses	
Housing & Community Development (HCD)	
Administration and Planning	$ 90,000
Public Services	$803,937
Total	$893,937

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

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: CDBG-CV Allocation II Funding Recommendations

DATE: ~~August 8, 2022~~ ~~August 29, 2022~~ August 31, 2022

BUDGET INFORMATION:

REVENUES: $893,937 CDBG-CV Allocation II Funding

EXPENSES: **FY23 CDBG-CV (Allocation II) Funding Recommendations**

$803,937	Public Services
$ 90,000	Administration and Planning
$893,937	**Total CDBG-CV Allocation II Funding**

FUNDING SOURCE: U. S. Department of Housing and Urban Development (HUD)

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Approve the proposed CDBG-CV (Allocation II) awards as shown in **Attachment #1**;
b. Direct staff to include the additional contract terms as outlined in Facts and Issues #12;
c. Adopt the budget amendment for the use of CDBG-CV (Allocation II) (**Attachment #2**); and,
d. Authorize the Mayor and appropriate ACCGov staff to execute all related contracts and documents.

HISTORY:

1. In March 2019, Housing & Community Development (HCD) staff began developing the FY2021-25 Consolidated Plan and Consolidated Plan Goals.

2. On April 2, 2019, the Mayor and Commission (M&C) approved the Consolidated Plan and FY19 Annual Action Plan. This plan guides the implementation of Community Development Block Grant (CDBG) funding in our community.

3. Between April 10, 2019 and June 9, 2019, HCD hosted seven community input meetings focusing on low income populations:
    - East Athens;
    - Hancock Corridor;
    - Latinx from various ACC neighborhoods;
    - Elderly and disabled individuals at the Athens Community Council on Aging; and
    - the homeless population.

4. On May 20, 2019, HCD met with the Vision Advisory Committee to discuss proposed Consolidated Plan Goals and to identify community needs. HCD staff subsequently compiled the input and data regarding the goals and objectives that would guide U.S. Department of Housing and Urban Development (HUD) funding for the years 2021-2025.

5. On July 9, 2019, HCD presented the proposed Consolidated Plan Goals at a M&C Work Session.

6. On September 3, 2019, the M&C approved the FY21-25 Consolidated Plan Goals:
    - Affordable Housing Development and Redevelopment
    - Economic Development and Workforce Development
    - Education and Enrichment
    - Homeless Services
    - Special Populations
    - Public Infrastructure

7. On April 8, 2020, HUD notified HCD of an allocation of $829,383 of CDBG-CV funding, this was the first allocation for the Unified Government of Athens-Clarke County (ACCGov). CDBG-CV funding was created as a part of the federal response to the COVID-19 pandemic.

8. On August 10, 2020, HUD published guidance on eligible CDBG-CV activities. All activities must prevent, prepare for, and respond to coronavirus.

9. On August 11, 2020, HCD submitted its Consolidated Plan to HUD, including the allocation of $829,383 in CDBG-CV (Allocation I) funds.

10. On September 15, 2020, HUD notified HCD of a second allocation of $893,937 of CDBG-CV funding.

11. On January 14, 2021, at a Special Called Session, M&C approved allocations of CDBG-CV (Allocation I) for use in the community.

12. On June 15, 2021, the M&C approved the FY22 ACCGov Operating Budget, which included a Mayor-recommended Homeless Specialist position in the Housing and Community Development Department using CDBG-CV (Allocation I) funds.

13. On June 15, 2021, the M&C adopted a Resolution to Address Homelessness with Immediacy and Strategic Planning.

14. On September 9, 2021, the Mayor executed the grant agreement for CDBG-CV (Allocation II) funding.

15. On February 24, 2022 the Housing Inventory Count & Point-in-Time Count were conducted by the Athens Homeless Coalition and ACCGov HCD. These surveys noted an increase in both total homeless individuals and the number of temporarily funded homeless housing options in the community.

16. On June 10, 2022, the Manager's Office distributed a Notice of Proposed Administrative Action to the M&C regarding CDBG-CV (Allocation II). This memo outlined a staff proposal to deploy remaining CDBG-CV funds with a limited focus to address homeless services.

17. On July 10, 2022, HCD released a request for applications for CDBG-CV (Allocation II) funding to address homeless emergency service activities.

18. On July 22, 2022, HCD received 14 notices of intent totaling $1,874,838 in funding request for CDBG-CV (Allocation II). This accounts for approximately 210% of the available funding.

19. Between July 10, 2022 and August 4, 2022, HCD staff offered technical assistance to agencies interested in utilizing CDBG-CV funding to support homeless services.

20. On August 5, 2022, HCD received seven final applications totaling ~~$1,092,491~~ $1,078,494 in funding requests for CDBG-CV (Allocation II) (**Attachment #3**).

21. On August 8, 2022, athenspoliticsnerd.com released a news story regarding a pending housing crisis associated with rent increases and the discontinuation of Housing Choice Vouchers associated with large acquisitions of rental neighborhoods.

22. On August 24, 2022, HCD met with the Vision Committee to review proposals as the Vision Committee development recommended priorities for the M&C to consider.

23. On August 29, 2022, in response to the new information regarding a large loss of housing, HCD released an addendum the RFP to assess each applicant's willingness and ability to expand their scope to better address a surge in lost housing.

24. On August 31, 2022, HCD staff received addendum responses from five CDBG-CV applicants (**Attachment #5**).

FACTS & ISSUES:

1. Congress provided $5 billion in the CARES Act for the Community Development Block Grant (CDBG) program to states, metropolitan cities, urban counties, and insular areas. All activities funded with CDBG-CV funding must prevent, prepare for, and respond to coronavirus. Unlike traditional CDBG funding, there is no cap for Public Service projects funded by CDBG-CV funds.

2. HUD has notified HCD of two CDBG-CV allocations. The first allocation totaled $829,383. The second allocation totals $893,937.

3. Based on demonstrated need, HCD prioritized financial assistance (arrears, rent, mortgage, and utility assistance) and homeless assistance as the two priority areas for CDBG-CV (Allocation I) funding.

4. CDBG-CV (Allocation I) provided emergency rent, utility, and mortgage assistance for low-moderate income households. Allocation I projects included:

Agency	Allocation	Number Served	Average Amount of Assistance Provided
Athens Land Trust	$267,571	177	$1,511.70
Casa de Amistad	$215,935	171	$1,262.78
Habitat for Humanity	$80,000	231	$346.32
The Ark	$100,000	80	$1,250.00

5. ACCGov received $893,937 in CDBG-CV Allocation II funding. Up to 20% of CDBG-CV funds may be used for administration and planning; which has been allocated to sustain the Homeless Specialist position. CDBG-CV funding must be 80% expended by June 30, 2023 to avoid funds being recaptured by HUD. Because of this, staff recommend that only $90,000 of the maximum $178,787 be initially designated for Administration and Planning. A summary of maximum and proposed allocations is shown below:

Category	Allowable	Recommended
Administration & Planning	$178,787	$90,000
Public Services	$715,150+	$803,937

6. It is not uncommon for a portion of awarded Public Services funds to go unspent within the contracted grant period. Because of this, staff recommends that any unused CDBV-CV (Allocation II) Public Service funds be redesignated to the Administration & Planning category after the sub-grant period has been completed. When combined with previous Administration and Planning funding available from CDBG-CV (Allocation I), staff forecast that this funding will be sufficient to sustain the Homeless Specialist position through at least FY25. After CDBG-CV Administration and Planning funds are fully expended, the Homeless Specialist position must either be sustained in the General Fund or discontinued.

7. The traditional CDBG application process takes eight months to complete with additional months required for grant start up and contracting. For the recently approved FY23 CDBG there are 20 total contracts (11 public services; 5 economic development; 4 affordable housing). Most of these contracts are still yet to be executed and each requires significant staff time to manage. For this reason, HCD recommended a streamlined CDBG-CV Allocation II process, as in the June 10, 2022, Notice of Proposed Administrative Action. Specifically, HCD proposed that CDBG-CV (Allocation II) funds be designated exclusively for a project concept as described below:

- Funding is focused on short term opportunities to prevent and address homelessness in the community.
- The application process is streamlined to reduce the total time for review and approval. The Vision Committee remains part of the application review process.
- Large projects are prioritized over small projects. HCD's goal is to award no more than five projects.

8. In total, HCD in partnership with the Vision Committee recommends funding TBD projects for a total of $TBD (**Attachment #1**). This recommendation is in line with the project concept identified in the June 10, 2022 Notice of Proposed Administrative Action. A summary matrix of the staff and Vision Committee review is available in **Attachment #4**.

9. If approved by the M&C, HCD will submit a "Substantial Amendment" of the Consolidated Plan to HUD that accounts for the use of CDBG-CV (Allocation II) funding.

10. On August 24, 2022, HCD ~~will meet~~ met with the Vision Committee to review CDBG-CV submissions. Final feedback ~~is~~ was due from the Vision Committee on August 26, 2022~~, and by August 31, 2022, staff will update this agenda report to include recommended awards and supporting documentation~~. In response to the Vision Committee priorities, HCD staff decreased the recommended award from their 5th priority by $20,000 and added it to their 2nd priority. This assessment was based on feasibility, administrative costs, and the available budget.

11. The RFP addendum identifies to what degree a CDBG-CV applicant is willing to expand their scope to better meet a surge in lost rental housing. Generally, the addendum found the following:
    - Four of five applicants are willing to modify their scope to serve individuals who have recently lost housing;
    - Each of these four are willing to track performance metrics related to this outcome;
    - Each applicant's ability to expand the financial impact of their scope varies significantly from $10,000 to $100,000.

12. Based on these responses, HCD staff recommend the M&C consider including the following additional terms into the scope of the Acceptance Recovery Center, Advantage Behavioral Health Systems, Family Promise of Athens, and The Ark:
    a) These contracts are to include a requirement that states "*For the first 60 days following contract execution, project funding will be used exclusively to serve income-qualified individuals who have lost or are risk of losing housing because of lease modifications/terminations/non-renewals implemented after August 1, 2022. After this 60 day period, the project will continue to prioritize these individuals while also expanding to additional populations identified in the original proposal scope.";*
    b) These contracts are to include a requirement that states "*The contractor is responsible for maintaining documentation that demonstrates service to individuals who have lost housing*

since August 1, 2022. When such documentation is unavailable, a self-attestation form may be used.";

c) These contracts are to include a scope modification that makes CDBG-CV-eligible relocation expenses such as security deposits and moving van rentals eligible for reimbursement; and,

d) The contracts are to include a requirement that staff and the agencies track performance metrics related to these requirements.

13. These recommendations meet the following ACCGov Strategic Plan Goals, Strategies, and/or initiatives:
    - Quality, Stable, Affordable Housing Goal, Strategy D: *Prevent and reduce homelessness by enabling supportive housing options that meet a variety of needs.*

OPTIONS:

1. Mayor and Commission:
   a. Approve the proposed CDBG-CV (Allocation II) awards as shown in **Attachment #1**;
   b. Direct staff to include the additional contract terms as outlined in Facts and Issues #12;
   c. Adopt the budget amendment for the use of CDBG-CV (Allocation II) (**Attachment #2**); and,
   d. Authorize the Mayor and appropriate ACCGov staff to execute all related contracts and documents.

2. Mayor and Commission:
   a. Approve the proposed CDBG-CV (Allocation II) awards as shown in **Attachment #1**;
   b. Adopt the budget amendment for the use of CDBG-CV (Allocation II) (**Attachment #2**); and,
   c. Authorize the Mayor and appropriate ACCGov staff to execute all related contracts and documents.

3. Mayor and Commission deny approval of the proposed CDBG-CV (Allocation II) awards.

4. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: TBD

DEPARTMENT: Housing and Community Development
Prepared by: Andrew Saunders

Andrew Saunders — 8/8/22 Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:



August 9, 2022

Manager Date

ATTACHMENTS:

Attachment #1 – ~~(TBD)~~ CDBG-CV Funding Recommendations
Attachment #2 - FY23 Budget Amendment for CDBG-CV (Allocation II)
Attachment #3 – ~~(TBD)~~ CDBG-CV Application Summaries
Attachment #4 – ~~(TBD)~~ Staff and Vision Committee Review Summary Matrix for CDBG-CV (Allocation II) Proposals
Attachment #5 – CDBG-CV Addendum Responses

Attachment #1
CDBG-CV Funding Recommendations
(Listed in Order of Proposal Score)

1. Project Safe ……$ 92,076
   To provide financial assistance for short-term housing costs and childcare for income qualified individuals/households experiencing domestic violence. The project targets serving 25 households.

2. Acceptance Recovery Center……..$100,005
   To pay the admission fees, program fees, housing costs, and childcare supplements for income qualified individuals who participate in a residential addiction recovery program. The project targets new admission for 57 individuals, with general financial support for 127 (new and existing) program participants.

3. The Ark UMOC……..……$100,000
   To provide financial assistance for rent and utility costs for income qualified individuals/households. The project targets serving 100 households.

4. Advantage Behavioral Health Systems……...$291,856
   To continue a program that provides short-term emergency shelter through hotel/motel vouchers and client case management to individuals/households experiencing homelessness. The project targets serving 30 households using 14 hotel units, though it may need to be reduced to reflect partial funding.

5. Advantage Behavioral Health Systems……...$100,000
   To provide rehousing assistance to enable individuals/households participating in the hotel/motel voucher program to transition to stable, independent living. The project targets serving 12 households, though it may need to be reduced to reflect partial funding.

6. Family Promise of Athens…….……. $120,000
   To fund security deposits, rent, and/or utility assistance to income qualified families (minimum of 1 adult and 1 child). The project targets serving 80 families.

7. Action, Inc……...$ 0
   To provide financial assistance for short-term housing costs and/or hotel vouchers for income qualified households. The project targets serving 30 households.

Total Awards…….…….....$803,937

FY23 CDBG-CV Proposal Summary

Agency Name: Acceptance Recovery Center	
Project Name: Indigent Funds for Low-income Populations	
Services: Financial assistance (substance use recovery fees and childcare)	
25% Match Requirement Met?: Yes	
CDBG Requested: $100,005	**CDBG Recommendation:** TBD by M&C

Project Summary:
Acceptance Recovery Center (ARC) is a long-term, intensive residential recovery center located in Athens, Georgia that provides a therapeutic setting of evidence-based substance use recovery support services to low-income populations and populations who have been previously incarcerated and/or homeless. ARC is proposing using CDBG-CV funding to expand their Indigent Funds project to assist Athens-Clarke County residents access substance use recovery services. The Indigent Funds project provides financial assistance to cover ARC admission and weekly residential fees, childcare assistance for residents who work full time jobs while in recovery, procurement of workplace documentation, and emergency medical assistance.

CDBG-CV funding will allow ARC to provide financial assistance for 194 individuals in their residential recovery program. Funding will cover an admission fee of $550 for 57 participants. Weekly residential fees will be paid for 127 residents (costs up to $245); weekly fees include resident's rent, most utilities, and some food costs. Additionally, ARC will provide childcare for 5 households (1 child/household), they estimates that childcare will cost $539/child monthly.

ARC is requesting a total of $100,050 in CDBG-CV funds which will be used for the following purposes:

- $5,200 to pay 12.5% of Admission Coordinator salary
- $32,340 for child care costs
- $31,350 to pay for resident recovery admission fees
- $31,115 rent/utility assistance for residents

ARC partners with Advantage Behavioral Health Systems, Probation Courts, the District Attorney's Office, Bread for Life, Athens Area Homeless Shelter, Athens Area Diaper Bank, and/or Athens Technical College to provide residents assistance with mental, dental, and physical health, legal aid, substance use support services, free meals, diapers for children, and/or workplace related needs. Memorandums of Understanding were provided from Alliance Recovery Center, DIVAS Who Win, and Advantage Behavioral Health Center. A Partnership Agency Agreement was included from Athens Area Diaper Bank,

Performance Measures	
Proposed Number of Individuals to be Served: 194	
Performance Measure	**Outcome**
Provide financial assistance for child care needs to at least 5 residents	Promote the upward economic mobility of our residents by providing them with child care assistance so they can continue to work.
Provide at least 127 residents with financial assistance to pay their rent and utilities while participating in ARCs residential recovery program, including a financial wellness course so they are able to sustain their housing in the future.	Prevent and end homelessness by providing residents with housing financial assistance so they do not lose their housing and/or their progress in our recovery program.

Provide financial assistance for recovery program admission fees to at least 57 residents referred to the ARC program.	Enhance the quality of life for individuals with substance use disorders

Past Performance Evaluation:

FY22 CDBG	
Individuals Served: 18 served out of 20 proposed	
Funds Expended: $17339.56 (87%)	
Performance Measure	**Outcome**
60% of alumni will transition from alumni housing to independent living within one year	70% of alumni transitioned to independent living.
60% of alumni will maintain their recovery lifestyle through measured abstinence	100% of alumni maintained their recovery lifestyle.
50% of alumni will maintain financial stability through continuous employment and financial planning.	100% of alumni maintained full-time employment and financial stability.
45% of alumni will see an overall increase in the quality of life within one year (measured via ASI assessment tool)	100% of alumni have seen an increase in their quality of life since entering the program.
60% of alumni will maintain a quality of life that supports the transition into independent living	80% of alumni have maintained quality of life once they have transitioned into independent living.
FY21 CDBG	
Individuals Served: 16 served out of 20 proposed	
Funds Expended: $19215.99 (96%)	
Performance Measure	**Outcome**
60% of alumni will transition from alumni housing to independent living within one year	50% of alumni transitioned to independent living within 1 year
60% of alumni will maintain their recovery lifestyle through measured abstinence	100% of alumni maintained their recovery lifestyle
50% of alumni will maintain financial stability through continuous employment and financial planning	100% of alumni maintained full time employment, created/ maintained a savings plan, and are meeting financial responsibilities.
45% of alumni will see an overall increase in the quality of life within one year (measured via ASI assessment tool)	100% of the alumni have seen an increase in the quality of life since entering this program.

FY23 CDBG-CV Proposal Summary

Agency Name: ACTION, Inc	
Project Name: Homeless Prevention and Assistance	
Services: Homeless Prevention and Rehousing Assistance (rent, utility, and mortgage assistance); Emergency Shelter (hotel/motel assistance)	
25% Match Requirement Met?: Yes	
CDBG Requested: $125,169	**CDBG Recommendation:** TBD by M&C

Project Summary:
ACTION, Inc. helps individuals and families break the cycle of poverty and achieve their greatest potential. Their major program / service areas include: Community Services (economic aid and counseling), Education and Education-Based Training Programs, Fatherhood (#1 Dads program), Weatherization Assistance, and Full Plate Food Rescue.

ACTION, Inc.'s proposed CDBG-CV project will prevent homelessness, increase emergency shelter capacity, and rehouse households. Homeless prevention will be achieved through rent, mortgage, and utility assistance payments that are current or arrears. ACTION, Inc. will provide hotel/motel vouchers for households in need of emergency shelter. Rehousing assistance will include payment of security deposits, rent, and utilities to assist individuals or families obtain housing. ACTION, Inc will offer financial counseling to all applicants and employment assistance and/or educational support for residents committed to securing employment or further their education. Additionally, case management services will be provided to help connect individuals with other community resources and access government assistance programs.

ACTION, Inc plans to assist a total of 30 individuals/households with CDBG-CV funding. An estimated 10 or more households with receive both rental and utility assistance. An average assistance amount of $2,833 will be provided per participant/household.

ACTION, Inc. is requesting $125,169 for direct assistance, project personnel, and other related agency costs:

- ACC Program Assistant $18,900
- Fringe Benefits $ 8,505
- Office furniture/laptop $ 3,078
- Housing Assistance $85,000
- Agency rent $ 4,500
- Financial Audit $ 1,000
- Local Travel $ 300
- Indirect Costs $ 3,886

ACTION, Inc. collaborates with local churches, Family Connection, the Salvation Army, Project Safe, and the United Way for referral services. They are a member of the Northeast Georgia Homeless Coalition. Letter's of support were provided from The Salvation Army, Cornerstone Church and Beech Haven Church.

Performance Measures	
Proposed Number of Individuals to be Served: 30 individuals/households	
Performance Measure	**Outcome**
30 Households receive homeless prevention and assistance services.	Homelessness will be prevented or ended for 30 households

FY23 CDBG-CV Proposal Summary

Agency Name: Advantage Behavioral Health Systems	
Project Name: Advantage Hotel Voucher Program (Stay Home)	
Services: Emergency Shelter (hotel/motel vouchers)	
25% Match Requirement Met?: *Yes*	
CDBG Requested: 382, 961	**CDBG Recommendation:** TBD by M&C

Project Summary:
Advantage Behavioral Health Systems (ABHS) provides a range of homeless services included street outreach, Homeless Day Service Center (HDSC), emergency hotel shelter, and housing programs (Rapid Rehousing and Permanent Supportive Housing). The HDSC offers case management, showers, laundry, and other supportive services. ABHS also provides behavioral health services to clients operating as a safety net for clients with substance abuse and/or co-occurring mental illness who are without the resources to find assistance.

The proposed CDBG-CV project will provide short-term emergency shelter through hotel/motel vouchers for homeless (primarily unsheltered) individuals and families, with or at risk of COVID-19. Funding will be utilized to support the cost of temporary hotel stays and support services in order to successfully transition individuals and families into permanent and stable housing. The hotel shelter program will also provide strengths based case management and facilitate access to physical and behavioral health care depending on client needs. Case managers will provide information on available housing options and connect participants to ABHS housing programs. The CDBG-CV funded project will provide hotel/motel shelter for 30 households (individuals or families) experiencing homelessness. ABHS expects to pay for 14 hotel units at a cost of $85/night each.

ABHS is requesting $382,961 total CDBG-CV funding for hotel shelter vouchers and project personnel.

- Full time Housing Support $27,156
- Program Team Lead $7,395
- Hotel Vouchers $299,880
- Administrative Costs $48,530

ABHS collaborates with Athens Alliance Coalition, the Backpack Project, Athens PBJ, People Living in Recovery, Athens Free Clinic, Athens Nurses Clinic, and Athens Neighborhood Health Center. ABHS regularly communicate with other local homeless service providers including Athens Area Homeless Shelter, Salvation Army, Sparrow's nest, Action Ministries, and Clarke County School District Homeless Education Program. ABHS is an active member of the Athens-Clarke County Homeless Coalition, including having representation on the Coalition Board and in committees.

ABHS provided a letter from Best Western Hotel showing a continued partnership for hotel shelter. Additional ABHS maintains relationships with other local hotels including Howard Johnson and Microtel for emergency placement. MOU's were included showing collaboration with Augusta University Medical College, Athens Nurses Clinic, and Mercy Health. Letters of Support were included from the Backpack Project and Athens PBJs.

Performance Measures	
Proposed Number of Individuals to be Served: 30 households	
Performance Measure	**Outcome**
30 Households receiving support services within hotel program	85% Successful Discharge Rate

15 Households provided access to recovery and supported housing programs	80% successful intake rate into a recovery or supported housing program (Semi-Independent, Transitional; Recovery Residence)
15 Households provided access to independent style permanent housing programs	80% Successful intake rate into permanent housing program (SPC; RRH; GHVP; HCV)

Past Performance Evaluation:

FY22 CDBG	
Individuals Served: 354 out of 47 proposed (change	
Funds Expended: $26,253.78 (94% of $27,965)	
Performance Measure	**Outcome**
80% of individuals receiving RRH assistance will maintain housing stability	HDSC enrolled 101 new households in housing supported by RRH assistance for FY22.
75% of program participants will achieve at least one goal on ISP during enrollment period	We have had 100% of actively enrolled clients achieve at least one goal on their ISP during the program year.
55% of program participants will maintain or increase income	83% of program participants have maintained or increased their income during the program year.
FY21 CDBG	
Individuals Served: 186 out of 47 proposed	
Funds Expended: $25,747.13 (85% of $30,000)	
Performance Measure	**Outcome**
80% of receiving RRH will maintain housing stability	92% of individuals enrolled in Rapid Re-Housing programs have maintained housing stability as of the year end reporting period.
75% of program participants will achieve at least one goal on ISP during enrollment period	100% of program participants have achieved at least one goal on their individual service plan as of the year end reporting period.
55% of program participants will maintain or increase income	72% of program participants have maintained or increased their income as of the year end reporting period.
FY20 CDBG	
Individuals Served: 35 out of 26 proposed	
Funds Expended: $23,000.00 (76% of $30,000)	
Performance Measure	**Outcome**
Enroll 35 households into HDSC Case Management Services for Rapid Re-Housing Track	26 Individuals & households enrolled into HDSC case management services for Rapid Re-Housing Track
75% of program participants will achieve at least one goal on ISP during enrollment period	70% of program participants achieved at least one goal on ISP during enrollment period.
80% of individuals receiving RRH will maintain housing stability	90% of individuals receiving RRH maintained housing stability
55% of individuals receiving RRH will maintain or increase income	80% of individuals receiving RRH maintained or increased their income.

FY23 CDBG-CV Proposal Summary

Agency Name: Advantage Behavioral Health Systems	
Project Name: Advantage Rapid Rehousing	
Services: Rehousing Assistance (rent and utilities)	
25% Match Requirement Met?: *Yes*	
CDBG Requested: 131, 280	**CDBG Recommendation:** TBD by M&C

Project Summary:
Advantage Behavioral Health Systems (ABHS) provides a range of homeless services included street outreach, Homeless Day Service Center (HDSC), emergency hotel shelter, and housing programs (Rapid Rehousing and Permanent Supportive Housing). HDSC offers case management, showers, laundry, and other supportive services. ABHS also provides behavioral health services to clients operating as a safety net for clients with substance abuse and/or co-occurring mental illness who are without the resources to find assistance.

The proposed project will assist individuals or families experiencing homelessness transition into a stable independent living environment by providing short term rental and utility assistance, ongoing strengths based case management, health support, and stabilization services to individuals. ABHS intends to target assistance to individuals and families participating in their hotel voucher program. ABHS will provide rehousing assistance to 12 individuals or families for up to 6 months. An average of $7,200 in direct financial assistance will be provided for each household.

The ABHS is requesting $131,280 in CDBG-CV funding to provide rent and utility assistance and for project personnel.

- Full time Housing Support $20,665
- Program Team Lead $7,395
- Rental & Utility Assistance $86,400
- Administrative support $16,820

ABHS collaborates with Athens Alliance Coalition, the Backpack Project, Athens PBJ, People Living in Recovery, Athens Free Clinic, Athens Nurses Clinic, and Athens Neighborhood Health Center. ABHS has established relationships with 30 landlords and property management companies to assist clients in accessing housing. ABHS regularly communicate with other local homeless service providers including Athens Area Homeless Shelter, Salvation Army, Sparrow's nest, Action Ministries, and Clarke County School District Homeless Education Program. ABHS is an active member of the Athens-Clarke County Homeless Coalition, including having representation on the Coalition Board and in committees.

ABHS provided MOUs from Athens Alliance Coalition, Athens Nurses Clinic, People Living in Recovery, Mercy Health, and Augusta University Medical College.

Performance Measures	
Proposed Number of Individuals to be Served: 12 households	
Performance Measure	**Outcome**
12 Households will receive rental and utility support for up to 6 months	85% Housing stability rate among housed individuals will remain housed upon termination of financial assistance

20 Households provided intake and assessment/referral to integrated health care and other mainstream resources	80% successful linkage and intake into mainstream and integrated health care programs for eligible program participants
20 Households provided intake into housing programs and assisted with housing search and placement	60% successful placement into independent style permanent housing units

Past Performance Evaluation:

FY22 CDBG	
Individuals Served: 354 out of 47 proposed	
Funds Expended: $26,253.78 (94% of $27,965)	
Performance Measure	**Outcome**
80% of individuals receiving RRH assistance will maintain housing stability	HDSC enrolled 101 new households in housing supported by RRH assistance for FY22.
75% of program participants will achieve at least one goal on ISP during enrollment period	We have had 100% of actively enrolled clients achieve at least one goal on their ISP during the program year.
55% of program participants will maintain or increase income	83% of program participants have maintained or increased their income during the program year.
FY21 CDBG	
Individuals Served: 186 out of 47 proposed	
Funds Expended: $25,747.13 (85% of $30,000)	
Performance Measure	**Outcome**
80% of receiving RRH will maintain housing stability	92% of individuals enrolled in Rapid Re-Housing programs have maintained housing stability as of the year end reporting period.
75% of program participants will achieve at least one goal on ISP during enrollment period	100% of program participants have achieved at least one goal on their individual service plan as of the year end reporting period.
55% of program participants will maintain or increase income	72% of program participants have maintained or increased their income as of the year end reporting period.
FY20 CDBG	
Individuals Served: # out of # proposed: 35 out of 26 proposed	
Funds Expended: $23,000.00 (76% of $30,000)	
Performance Measure	**Outcome**
Enroll 35 households into HDSC Case Management Services for Rapid Re-Housing Track	26 Individuals & households enrolled into HDSC case management services for Rapid Re-Housing Track
75% of program participants will achieve at least one goal on ISP during enrollment period	70% of program participants achieved at least one goal on ISP during enrollment period.
80% of individuals receiving RRH will maintain housing stability	90% of individuals receiving RRH maintained housing stability
55% of individuals receiving RRH will maintain or increase income	80% of individuals receiving RRH maintained or increased their income.

FY23 CDBG-CV Proposal Summary

Agency Name: Family Promise of Athens	
Project Name: Prevention and Diversion Program	
Services: Financial Assistance (Rent, Utilities, and Security Deposit)	
25% Match Requirement Met?: *Yes*	
CDBG Requested: $147,002.72	**CDBG Recommendation:** TBD by M&C

Project Summary:
Family Promise of Athens (FPA) provides emergency shelter, homeless prevention, diversion, and supportive services to families experiencing homelessness or at risk of becoming homeless. Families include any household with at least one adult and one child (under the age of 18). FPA is requesting CDBG-CV funding to expand prevention and diversion services. The prevention and diversion program provides financial assistance to families to stay housed, or in case of eviction, become rehoused quickly, avoiding a period of homelessness. This program provides rent and utility payments for arrears or security deposit assistance to cover the large upfront costs associated with moving into housing. Case management is also provided to all families receiving financial assistance. The case manager receives and processes referrals for assistance, follows up on the request, determines eligibility, and provides additional case management after financial assistance to connect the family with other resources needed.

FPA anticipates that they will serve 80 families (240 individuals) with CDBG-CV funding. The agency has set a maximum payment amount of $1,500 for each family, which can assist with a security deposit, rent payment, or utility payment.

Family Promise of Athens is requesting $147,002.72 to provide financial assistance (rent, utilities, and security deposit) and salary costs for project personnel.

- $120,000 for financial assistance
- $19,388 for Case Manager salary
- $7,614.72 for Executive Director salary

FPA is an active member of the Athens-Clarke County Homeless Coalition including attending weekly Continuum of Care meetings to staff client cases. FPA collaborates with Athens Area Homeless Shelter, Advantage Behavioral Health Systems, Bigger Vision, and Athens Housing Authority. Additionally, they have an established partnership with Clarke County School District to receive referrals for assistance.

Performance Measures	
Proposed Number of Individuals to be Served: 240 Individuals	
Goal	**Outcome**
Keep families facing eviction stably housed	50/60 (83%) of families stay stably housed for three months after assistance is provided
Remove barriers to housing for homeless families	20/20 (100%) of families have the upfront costs needed to move into housing

Past Performance Evaluation:

FY22 CDBG	
Individuals Served: 15 Families (54 individuals) out of 11 Families (33 individuals) proposed	
Funds Expended: $14,966 (100% out of total $14,966)	
Performance Measure	**Outcome**
78% of families assisted will maintain employment, childcare, and housing for a year after program graduation	Families assisted through Family Promise programming received full payment of childcare costs for six months due to CDBG funding. The case manager continued to work with families throughout the program year to ensure that childcare and employment needs were met.
75% of families assisted will remain permanently housed in the same unit for a year after program graduation	Families that graduated successfully from the shelter program are all still housed at the end of the program year.

FY23 CDBG-CV Proposal Summary

Agency Name: Project Safe	
Project Name: Housing Services for Survivors of Domestic Violence	
Services: Homeless Prevention, Rehousing Assistance, and Financial Assistance (rent, utilities, security deposits, risk assessments, and childcare)	
25% Match Requirement Met?: *Yes*	
CDBG-CV Requested: $92,076	**CDBG Recommendation:** TBD by M&C

Project Summary:
Project Safe provides comprehensive services for survivors of domestic violence including operating a 24/7 hotline, advocacy services, and emergency shelter for individuals and families fleeing. Project Safe is also able to assist clients achieve safe and secure housing through eviction prevention, transitional housing, and rapid rehousing programs.

Project Safe is seeking CDBG-CV funds to help pay for clients' various short-term housing costs, allowing them to relocate to safe housing, or stay in safe housing if they've already left an abuser. The majority of funding will be used for rent and utilities arrearages, security deposits, and risk assessments. Depending on client need, a small amount of funding may be used for financial assistance with childcare. Additionally, Project Safe seeks to utilize a part-time housing advocate that will help clients meet their housing goals. The part time housing advocate will work with identified survivors to break down barriers to relocating to safe housing (either from an abusive home or from our emergency shelter) or remaining in safe housing (if the survivor has already moved into their own home). Safety planning, emotional support for the difficult process of leaving an abusive relationship, and budgeting will occur with all CDBG-CV clients.

Project Safe plans to serve 25 households (a household may be one individuals or a family with children) at an average of $4,000 paid on behalf of each household.

Project Safe is requesting $92,076 to provide financial assistance and cover project personnel costs.

- $15,774 for a part time housing advocate
- $76,332 for financial assistance

Project Safe collaborates closely with local law enforcement and the court system, DFCS, Clarke County School District, and other non-profit organizations. They also have established relationships with landlords and property management companies to assist clients with accessing housing. Project Safe is a member of the Athens-Clarke County Homeless Coalition and staff hold leadership roles in the Domestic Violence Task Force of Athens-Clarke & Oconee Counties. MOUs were providing, including with Family Protection Center and for Coordinated Community Response to Crime with Athens-Clarke County law enforcement and the court system. Letters of support were provided from Family Counseling Services of Athens, Office of the Solicitor General, Hidden Pines Duplexes, Rent Oconee Clarke, and Taqueria La Parrilla.

Performance Measures	
Proposed Number of Individuals to be Served: 25 Households	
Performance Measure	**Outcome**
Domestic violence survivors in Athens-Clarke County will have safe housing apart from their abusive partners.	All families receiving CDBG financial assistance access safe housing. 90% report increased knowledge of area resources and 90% report knowing ways to manage their safety.

FY23 CDBG-CV Proposal Summary

Agency Name: The Ark United Ministry Outreach Center	
Project Name: The Ark COVID Financial Assistance Program	
Services: Homeless Prevention (financial assistance for rent, utilities, and mortgage)	
25% Match Requirement Met?: *Yes*	
CDBG Requested: $100, 000	**CDBG Recommendation:** TBD by M&C

Project Summary:
The Ark provides emergency financial assistance, financial education, and asset building programs to low income working families. The Ark has provided $978,000 in emergency housing and utility assistance to over 700 households impacted by COVID-19.

The CDBG-CV proposed project will prevent homelessness by provide emergency rent, mortgage and utility assistance to 100 low-to-moderate income households who are facing eviction/utility disconnection and have been impacted by COVID-19. The project will include an eligibility screening, interviews, financial education, and budgeting. The Ark Financial Assistance project will provide an average of $1,000 in rent, mortgage, and/or utility assistance per household.

The ARK is requesting $100,000 total CDBG-CV funding for provision of emergency housing and utility assistance.

- Emergency housing and utility assistance $100,000

The Ark will collaborate with Clarke County School District, local churches, community hospitals, and other Athens-Clarke County Non-profit organizations for their proposed CDBG-CV project. The Ark also coordinate with Department of Family and Child Services, Clarke County School District, Piedmont Athens Regional and St. Mary's Hospitals, Athens Area Homeless Shelter, Family Promise, The Sparrow's Nest, Athens Land Trust, Live Forward, Project Safe and UGA. Letters of Support were provided from Piedmont Hospital, Clarke County School District, and Crossroads Community Church.

Performance Measures	
Proposed Number of Individuals to be Served: # 100 households	
Performance Measure	**Outcome**
Prevent 100% of households financially affected by COVID from losing housing/eviction prevention	100% of households served will remain housed for 30 days
Prevent 100% of households financially affected by COVID from utility disconnection/disruption in service	100% of households served will continue utility service for 30 days

Past Performance Evaluation:

CDBG-CV Allocation I	
Individuals Served: 80 out of 100 proposed	
Funds Expended: $100,000 (100% out of total $100,000) – Funding Spent in 5 Months	
Performance Measure	**Outcome**
Provide 100 households/families with rent, mortgage, and utility payment assistance.	The Ark provided rent, mortgage, and utility assistance to 80 households. The average amount of assistance provided was $1,250.
FY22 CDBG	
Individuals Served: 241 out of 235 proposed	
Funds Expended: $24,966.00 (100% of $24,966)	
Performance Measure	**Outcome**
Assist a minimum of 235 low-income individuals and families.	The Ark assisted 241 individuals and families: 138 males, 102 females, and 1 "prefer not to say", Ages 19-86. We completed 28 loans.
95% of participants will increase their overall financial literacy (barriers/pitfalls, detailed spending plan, establish/build credit, decrease debt, and develop health savings habits).	100% of participants increased their overall financial literacy based on pre and post survey data and/or based on services completed such as completing a detailed budget with a clients, paying off debts, etc.
90% of loan recipients will open a checking and/or savings bank account.	100% of loan recipients received a checking and/or savings account upon starting their loan
90% of loan recipients will create a viable budget to sustain their living costs.	100% of loan recipients created a viable budget prior to receiving their Ark loan
65% of loan recipients will improve their credit score.	80% of loan recipients who completed at least one loan during the grant year saw a score increase
FY21 CDBG	
Individuals Served: 204 out of 225 proposed	
Funds Expended: $24,999.96 (99% of $25,000)	
Performance Measure	**Outcome**
Assist a minimum of 225 low-income individuals and families	The Ark assisted 204 individuals and families: 118 females and 86 males, ages 18-77
95% of participants will increase their overall financial literacy (barriers, pitfalls, detailed spending plan, establish/build credit, decrease debt and develop health saving habits	98% of participants increased their overall financial literacy based on pre and post survey data and based on services completed such as completing a detailed budget with a client, paying off debts, etc.
85% of loan recipients will open a checking and/or savings bank account.	100% of loan recipients received a checking and/or savings account upon starting their loan.
80% of loan recipients will create a viable budget to sustain their living costs.	100% of loan recipients created a viable budget prior to receiving their Ark loan

65% of loan recipients will improve their credit score.	70% of loan recipients who completed at least one loan during the grant year saw a score increase.
FY20 CDBG	
Individuals Served: 166 out of 200 proposed	
Funds Expended: $20,000.00 (100% of $20,000)	
Performance Measure	**Outcome**
Assist 200 low-income individuals and families	83% of 200 low income individuals and families were assisted.
95% of participants will increase their overall financial literacy	99% of participants increased their overall financial literacy based on pre and post survey data,
85% of loan recipients will open a checking and/or savings bank account	100% of loan recipients created a viable budget prior to receiving and qualifying for an Ark loan.
80% of loan recipients will create a viable budget to sustain their living costs	100% of loan recipients created a viable budget prior to receiving and qualifying for an Ark loan
65% of loan recipients will improve their credit score	83% of loan recipients increase their credit scores (out of those who completed the post loan survey) for an avg. of 109 points.

CDBG-CV RATINGS MATRIX

(listed from highest scoring proposal to lowest scoring proposal)

Proposal	Program Name	Request	Proposal Scope	Outcomes and Performance	Community Involvement	Organizational Capacity	Financial Ability	Vision Committee	Staff Recommendation
Project Safe	Housing Services for Survivors of Domestic Violence	$92,076						1	$92,076
Acceptance Recovery Center	Indigent Funds for Low-Income Populations	$100,005						4	$100,005
The Ark	Homeless Prevention	$100,000						2 (tied)	$100,000
Advantage Behavioral Health Systems	Emergency Shelter (hotel/motel vouchers)	$382,961						5	$291,856
Advantage Behavioral Health Systems	Rehousing Assistance	$131,280						6	$100,000
Family Promise of Athens	Prevention and Diversion	$161,000						2 (tied)	$120,000
Action, Inc.	Homeless Prevention and Assistance	$125,169						7	$0

KEY	
	76%-100%
	51%-75%
	26%-50%
	0-25%

Acceptance Recovery Center

Attachment #5

FY23 CDBG-CV Application Addendum

1. Are you willing to consider a scope modification that states "*For the first 60 days following contract execution, project funding will be exclusively allocated to income-qualified households who have lost or are at-risk of losing housing because of lease modifications implemented after August 1, 2022. After 60 days, the project will continue to prioritize funding for these households while also expanding to focus on other eligible households identified in the original proposal*"?

   ☑ Yes ☐ No

   Comments:
   ARC will make modifications to actively connect with residents of ACC who have lost or who are at-risk of losing housing because of lease modifications provided these individuals would like to seek treatment for substance use. (See attached.)

2. If so, are you willing to track this as a performance metric in your grant?

   ☑ Yes ☐ No

   Comments:
   As described in the outcomes and performance form in the CDBG-CV Application, we have created a performance metric to track this progress in the first 60 days in our attached sheet below.

3. If not already included, are you willing to expand your scope to include financial support for relocation expenses such as security deposits, rental assistance, and/or moving truck rentals?

   ☑ Yes ☐ No

   Comments:
   Given ARC already supports our clients/residents through economic assistance, we will continue to support these expenses. (See attached).

4. Are you willing to accept a larger award than proposed?

   ☑ Yes ☐ No

5. If so, what is the upper limit of what you are willing to accept based on your current organizational capacity, a target contract execution date of November 1, 2022 and the project deadline of June 30, 2023?

   Significant additional funds will be used to secure additional housing for residents by June 30, 2023 given ARC is working to purchase an additional housing facility by 2023 if not sooner. Minimal additional funds (<$2,000) could benefit direct service staff and supplies to perform ongoing outreach (even after 60 days) with communities impacted by lease agreement and housing loss issues.

FY23 CDBG-CV Application Addendum
Extended Answers

Acceptance Recovery Center
8/30/2022

Question 1 Continued:
ARC's staff have been engaged and following recent issues particularly impacting ACC residents in Lexington Heights, Rosemary Place, Highland Park, and Hidden Pines. We are very open to performing direct outreach with these residents of ACC to determine if they meet income requirements and if they are interested in our recovery program. We would complete outreach at least twice a week over the first 60 days if funded to ensure we are actively connecting with residents in high need locations, as well as connecting with community partners such as Advantage, The Ark, Project Safe, and Family Promise to ensure we are able to refer any community members in need to agencies who can assist them if those residents are not interested in participating in ARC's residential recovery program where we serve families (residents and their children) on site in our housing facilities. We have two staff members who will be assisting us with direct outreach in high need areas to share our services, our mission, and our programs with those in need. We will need significant additional funding to support these residents given we will need to secure additional housing options (which we are prepared to do) if residents determine they fit ARC's program requirements to complete a residential recovery program, or <$2,000 in additional funds (i.e. funds for mileage given the recent rate increases for outreach, funds for supplies: pens, printed materials with referrals and ARC details, clipboards, supplies for residents in need, etc., and direct service staff wages could support our direct service staff in completing community outreach in high need areas for 60 days and continuous outreach to follow 60 days, up to one year as housing needs persist in these high need neighborhoods.

Question 2 Continued:

Please add these two metrics to our original application to be met within the first 60 days of the funded program:

Goal	**Inputs**	**Activities**	**Outputs**	**Outcomes**
To perform outreach within high need areas to increase ARC's visibility to residents in need of economic assistance to enroll in our	1)Connections with community partners, ACCGOV, and local residents who may be displaced; 2)direct service staff and their labor in community outreach.	1)Connect with local residents directly in their neighborhoods and through community meeting outreach; 2)Manage staff engagement to ensure 2 hours	1)Residents in need are identified; 2)ARC's services are shared; 3)Needs of residents are determined; 4)ARC enrollment using CDBG-CV funds is completed and/or;5) referrals are made to residents to assist them in connecting	1)Two ARC staff will complete 2 hours of direct outreach with local residents in need twice weekly for the first 60 days of funding. 2)Residents will gain knowledge of ARC's program and economic assistance to access residential recovery with admissions assistance,

substance use residential recovery program.		of direct outreach occur weekly for 60 days.	with our partners if they do not fit ARC's program	rental assistance, child care assistance, and emergency funding assistance for residents. 3)Residents will be able to access referrals from ARC if they do not fit ARC's program.
To connect with community partners also funded by CDBG-CV to fill gaps in services and address barriers to those most impacted by lease changes and/or loss/risk of losing their homes.	1)Connections with community partners who are also funded by CDBG-CV and partners not currently funded in ACC area; 2) Knowledge of current Athens landlords, rental companies, and housing options given ARC's Alumni Program currently prepares residents who graduate to secure housing in ACC area.	1)Collaborate with current residents, community partners, and; 2) Identify how to meet residents' needs and find/secure them housing and assistance using CDBG-CV funding; 3) work with community partners to identify referrals if residents are not in need of residential recovery programs.	1)A network of community partners supporting individuals impacted by lease issues and/or a housing crisis related to lease agreements; 2) More residents and community partners will have knowledge of ARC's services and ARC too will gain new knowledge about community partners invested in housing issues; 3)ACC residents in need of assistance will have wraparound services even if they choose not to use ARC, because we will have referrals to offer them.	1)Some of the 57 residents ARC will serve with these funds will be individuals recently impacted by the housing crisis related to rental agreements in the Athens Area. 2) More individuals in Athens will be made aware of our services and low to no cost residential recovery programs for families and individuals. 3)Residents of ACC impacted by the recent housing crisis will receive a referral from ARC if they do not fit our program.

Question 3 Continued:

Given ARC is a residential recovery program, we consider residents' admission fees to be their security deposits and their residential fees are weekly rent, utilities, and some food. If funded, our funds will be used as outlined in our application, which will allow us to support 57 new residents with financial assistance for their admission fees (i.e. security deposits), 127 residents with 127 weeks of financial assistance for their residential fees (i.e. weekly rent, utilities, and some food), as well as 12 months of child care financial assistance for 5 residents (further outlined in the grant application). If some of these individuals can be procured through the first 60 days from these high need populations, ARC would be thrilled to assist them if they need substance use recovery treatment and qualify under the income requirements. If not, we will offer them referrals to additional resources, but ARC could discuss residents volunteering to help individuals move even if they do not meet ARC's program requirements which will help some of our current residents to complete their community service hours as well.

ABHS

FY23 CDBG-CV Application Addendum

1. Are you willing to consider a scope modification that states "*For the first 60 days following contract execution, project funding will be exclusively allocated to income-qualified households who have lost or are at-risk of losing housing because of lease modifications implemented after August 1, 2022. After 60 days, the project will continue to prioritize funding for these households while also expanding to focus on other eligible households identified in the original proposal*"?

   ☑ Yes ☐ No

   Comments:

   We are willing to do this, would like to know how you want this reported? I would like to point out that this may not be a large segment of the populations we are currently serving who are more chronically homeless in nature.

2. If so, are you willing to track this as a performance metric in your grant?

   ☑ Yes ☐ No

   Comments:

   Would need some guidance on tracking requirements.

3. If not already included, are you willing to expand your scope to include financial support for relocation expenses such as security deposits, rental assistance, and/or moving truck rentals?

   ☑ Yes ☐ No

   Comments:

4. Are you willing to accept a larger award than proposed?

   ☑ Yes ☐ No

5. If so, what is the upper limit of what you are willing to accept based on your current organizational capacity, a target contract execution date of November 1, 2022 and the project deadline of June 30, 2023?

   We would accommodate a $50K increase if necessary to meet the needs within the community.

Family Promise of Athens

FY23 CDBG-CV Application Addendum

1. Are you willing to consider a scope modification that states "*For the first 60 days following contract execution, project funding will be exclusively allocated to income-qualified households who have lost or are at-risk of losing housing because of lease modifications implemented after August 1, 2022. After 60 days, the project will continue to prioritize funding for these households while also expanding to focus on other eligible households identified in the original proposal*"?

   ☑ Yes ☐ No

   Comments:

   We are willing to do this, would like to know how you want this reported? I would like to point out that this may not be a large segment of the populations we are currently serving who are more chronically homeless in nature.

2. If so, are you willing to track this as a performance metric in your grant?

   ☑ Yes ☐ No

   Comments:

   Would need some guidance on tracking requirements.

3. If not already included, are you willing to expand your scope to include financial support for relocation expenses such as security deposits, rental assistance, and/or moving truck rentals?

   ☑ Yes ☐ No

   Comments:

4. Are you willing to accept a larger award than proposed?

   ☑ Yes ☐ No

5. If so, what is the upper limit of what you are willing to accept based on your current organizational capacity, a target contract execution date of November 1, 2022 and the project deadline of June 30, 2023?

   We would accommodate a $50K increase if necessary to meet the needs within the community.

Project Safe

FY23 CDBG-CV Application Addendum

1. Are you willing to consider a scope modification that states "*For the first 60 days following contract execution, project funding will be exclusively allocated to income-qualified households who have lost or are at-risk of losing housing because of lease modifications implemented after August 1, 2022. After 60 days, the project will continue to prioritize funding for these households while also expanding to focus on other eligible households identified in the original proposal*"?

   ☑ Yes ☐ No

   Comments:

   We are willing to do this, would like to know how you want this reported? I would like to point out that this may not be a large segment of the populations we are currently serving who are more chronically homeless in nature.

2. If so, are you willing to track this as a performance metric in your grant?

   ☑ Yes ☐ No

   Comments:

   Would need some guidance on tracking requirements.

3. If not already included, are you willing to expand your scope to include financial support for relocation expenses such as security deposits, rental assistance, and/or moving truck rentals?

   ☑ Yes ☐ No

   Comments:

4. Are you willing to accept a larger award than proposed?

   ☑ Yes ☐ No

5. If so, what is the upper limit of what you are willing to accept based on your current organizational capacity, a target contract execution date of November 1, 2022 and the project deadline of June 30, 2023?

   We would accommodate a $50K increase if necessary to meet the needs within the community.

The Ark

FY23 CDBG-CV Application Addendum

1. Are you willing to consider a scope modification that states "*For the first 60 days following contract execution, project funding will be exclusively allocated to income-qualified households who have lost or are at-risk of losing housing because of lease modifications implemented after August 1, 2022. After 60 days, the project will continue to prioritize funding for these households while also expanding to focus on other eligible households identified in the original proposal*"?

   [X] Yes [ ] No

   Comments:

2. If so, are you willing to track this as a performance metric in your grant?

   [X] Yes [ ] No

   Comments:

3. If not already included, are you willing to expand your scope to include financial support for relocation expenses such as security deposits, rental assistance, and/or moving truck rentals?

   [✔] Yes [ ] No

   Comments:

4. Are you willing to accept a larger award than proposed?

   [X] Yes [ ] No

5. If so, what is the upper limit of what you are willing to accept based on your current organizational capacity, a target contract execution date of November 1, 2022 and the project deadline of June 30, 2023?

   $200,000.00 - $250,000.00

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Authorization of the Strategic Plan to Reduce and Prevent Homelessness

DATE: ~~July 28, 2022~~ August 29, 2022

BUDGET INFORMATION:

REVENUES:	$ 5,000,000	ARPA SLFRF Designation for Homelessness
EXPENSES:		
ANNUAL:		
CAPITAL:		
OTHER:	$ 4,866,884	Available for Implementation
	$ 133,116	Strategic Plan to Address Homelessness Consultant (not to exceed)

FUNDING SOURCE: American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF)

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a) Authorize staff to issue a purchase order to The Cloudburst Group to complete the Strategic Plan to Reduce and Prevent Homelessness as a part of the ARPA strategic planning process, at an amount of $133,116; and,
b) Authorize Mayor and staff to execute all related documents.

HISTORY:

1. On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic.

2. In March 2020, and in response to the COVID-19 pandemic, the Mayor & Commission (M&C) allocated $150,000 in Indigent Services funds from General Fund Balance to provide relief to the homeless in Athens-Clarke County. These funds were used to provide emergency shelter through local hotels.

3. On April 8, 2020, the U.S. Department of Housing and Urban Development (HUD) notified Housing and Community Development (HCD) of an allocation of $829,383 of CDBG-CV funding; this was the first allocation for Athens-Clarke County. CDBG-CV funding was created as a part of the federal response to the COVID-19 pandemic (Allocation I).

4. On May 5, 2020, the M&C approved funding allocations for FY21 CDBG annual funding. After the awards were modified to match final HUD funding, $75,000 of the HUD-capped $204,000 in Public Service funds were allocated to homeless services.

5. On July 7, 2020, and in response to the COVID-19 pandemic, the M&C approved the Resiliency Package, which in part allocated an additional $150,000 in Indigent Services funds from General Fund Balance after an RFP process to provide relief to the homeless in Athens-Clarke County. These funds were used to provide emergency shelter through local hotels.

6. On September 15, 2020, HUD notified HCD of a second allocation of $893,937 of CDBG-CV funding (Allocation II).

7. At the January 12, 2021 Mayor and Commission (M&C) Work Session, HCD presented recommendations for $829,383 in CARES Act (CDBG-CV Allocation I) funding. Athens Area Habitat for Humanity, Athens Land Trust, Casa de Amistad, and the Ark UMOC all received CDBG-CV (Allocation I) funding to support financial assistance programs and successfully carried out these programs. All funds were utilized as of August 2021, assisting 660 households.

8. On March 11, 2021, the American Rescue Plan Act of 2021 (ARPA) was signed into law. The $1.9 trillion package is intended to combat the COVID-19 pandemic by stabilizing state and local government operations, households, and small businesses.

9. In mid-March 2021, ACCGov was granted $57.6 million of ARPA Coronavirus State and Local Fiscal Recovery Funds (SLFRF) funding to allocate across defined categories by virtue of being both a city and a county.

10. On April 6, 2021, the M&C approved an additional round of funding in the amount for indigent services and relief to the homeless, allocating General Fund Balance from the Resiliency Package.

11. On April 6, 2021, the M&C approved funding allocations for FY22 CDBG annual funding. After the awards were modified to match final HUD funding, $86,543 of the HUD-capped $201,720 in Public Service funds were allocated to homeless services.

12. On April 8, 2021, the Department of Housing and Urban Development (HUD) announced the award of $4.925 billion in HOME-ARP funding to give “states the flexibility to best meet the needs of people experiencing or at risk of experiencing homelessness, including through development of affordable housing, tenant-based rental assistance, supportive services, and acquisition and development of non-congregate shelter units.”

13. On June 15, 2021, the M&C approved the FY22 ACCGov General and Operating Budget, which included a Mayor-recommended Homeless Specialist position in the Housing and Community Development Department using CDBG-CV funds. Through Commission Defined Option, the Commission also approved an allocation of $220,000 to the Athens Area Homeless Shelter.

14. On June 15, 2021, the M&C adopted a Resolution to Address Homelessness with Immediacy and Strategic Planning. This resolution identified the goal to develop a strategic plan related to homelessness.

15. On August 3, 2021, the M&C authorized up to $250,000 in FY22 General Fund Operating Contingency be used to prepare the North Athens School site to support a Sanctioned Homeless Encampment. The M&C also authorized $50,000 of FY22 General Fund Operating Contingency to be used in the creation of a Strategic Plan to Reduce and Prevent Homelessness (SPRPH).

16. On September, 22, 2021, ACCGov received a grant agreement from HUD to accept the $2,506,309 in HOME-ARP funding for Athens-Clarke County. HOME-ARP funds must be used by September 30, 2030 to benefit qualified populations identified as:
    a) Individuals who are homeless;
    b) Individuals at risk of homelessness;
    c) Individuals who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; and
    d) Other populations where providing supportive services or assistance would prevent the family's homelessness or would serve those with the greatest risk of housing stability.

17. On October 4, 2021, the M&C authorized staff to apply for $400,912 in Continuum of Care (CoC) funds to support homeless housing in Athens. The CoC is an annual award that ACCGov has received annual since 1995.

18. On November 21, 2021, the M&C voted to accept the HOME-ARP funding and authorized staff to execute related HUD grant agreements.

19. On November 22, 2021, the Mayor executed the grant agreement for HOME-ARP funding.

20. On December 7, 2021, the M&C awarded $2,542,691 to the Athens Alliance Coalition to operate the Sanctioned Homeless Encampment at 1000 Barber Street. This award provides for a maximum of 22 months of service, and is in partnership with Advantage Behavioral Health Service to provide case management.

21. On December 7, 2021, the M&C awarded $2,425,000 to the Athenian First Development Corporation to operate the Eviction Prevention Program. This award provides for 12 months of service, but may be extended for two additional one year periods at the direction of the M&C.

22. On January 6, 2022, the U.S. Department of the Treasury released the Final Guidance for ARPA SLFRF.

23. On March 1, 2022, the M&C approved a budget allocating ARPA SLFRF to various programs, including a budget of $5,000,000 to address homelessness. This action included a strategic

planning process, followed by an RFP, and the associated timeline (**Attachment #2**). The M&C also designated the existing Athens Homeless Coalition (AHC) as the advisory committee for the homeless ARPA allocation.

24. On March 29, 2022, the members of the AHC met to discuss ARPA funding. At this meeting, they finalized a project scope for the SPRPH. At this time, the group decided to develop an Ad-Hoc Committee to guide plan development. AHC applications for Ad-Hoc Committee participation were due by April 19, 2022.

25. On April 5, 2022, the M&C voted to approve funding allocations for FY23 CDBG annual funding. After the awards were modified to match final HUD funding, $102,853 of the HUD-capped $195,463 in Public Service funds were allocated to homeless services.

26. On April 22, 2022, the AHC Board of Directors voted to approve an ad-hoc Committee membership to guide the development of SPRPH.

27. On April 25, 2022, ACCGov released a request for proposals for the SPRPH. This plan will serve as the strategic plan that will inform the ARPA allocation for homelessness.

28. On May 17, 2022, no responses were received for the RFP for a consultant to develop the SPRPH.

29. On June 7, 2022, the M&C approved the FY23 ACCGov Operating Budget, which included an allocation of $220,000 to the Athens Area Homeless Shelter.

30. On June 10, 2022, the Manager's Office distributed a Notice of Proposed Administrative Action to the M&C regarding CDBG-CV (Allocation II). This memo outlined a staff proposal to deploy remaining CDBG-CV funds with a limited focus to address homeless services.

31. On June 13, 2022, ACCGov rereleased a request for proposals for the SPRPH.

32. On July 10, 2022, HCD released a request for applications for CDBG-CV (Allocation II) funding to address homeless emergency service activities.

33. On July 22, 2022, HCD received 14 notices of intent totaling $1,874,838 in funding request for CDBG-CV (Allocation II). This accounts for approximately 210% of the available funding.

34. On July 26, 2022, ACCGov received a single response from The Cloudburst Group for the SPRPH RFP.

35. On August 8, 2022, a review team composed ACCGov staff and representatives from the AHC completed the review of the Cloudburst Group proposal response.

36. On August 10, 2022, representatives from HCD and the Cloudburst Group met to review minor clarifications to improve the strength of the overall proposal. These clarifications were focused on the project deliverables of funding analysis, encampment guidance, stakeholder engagement, the advisory committee, and addressing needs on the full spectrum of homelessness.

37. On August 12, 2022, the Cloudburst Group submitted a no-cost project addendum to add detail to the proposed project approach and deliverables (**Attachment #3**). If approved, this addendum will become part of the binding project scope.

FACTS & ISSUES:

1. Since the onset of the COVID-19 pandemic, HCD has deployed more than $8.8 million to address the homeless crisis in our community. A summary of these activities is listed in the table below:

Deployed Funding for Homeless Services

Activity	Funding Amount	Status
COVID Indigent Services Funds (all rounds)	$600,000	Fully Deployed
CDBG-CV (Allocation I)	$829,383	Fully Deployed
Continuum of Care Grant (FY21)	$741,593	Fully Deployed
CDBG (FY21)	$75,000	Fully Deployed
Homeless Specialist	$60,300	On Staff
Athens Area Homeless Shelter FY22 GF Support	$220,000	Fully Deployed
Sanction Homeless Encampment Site Preparation	$250,000	Completed
Continuum of Care Grant (FY22)	$780,486	Underway
Sanctioned Homeless Encampment - Operations	$2,542,691	Underway
Eviction Prevention	$2,425,000	Underway
CDBG (FY23)	$102,853	Underway
Athens Area Homeless Shelter FY23 GF Support	$220,000	Underway
Total Allocations Since March 2020	**$8,847,306**	

2. Additionally, ACCGov has $9.2 million+ from at least five different funding sources available to address homelessness in the community. Much of this funding may be used to create or expand facilities such as shelters, supportive housing, or rapid rehousing. A strategic plan is needed to make the best use of these funding sources. A summary of each funding source is listed in the table below:

Additional Funding Available Homeless Services

Activity	Funding Amount	Status
CDBG-CV (Allocation II)	$893,937	Out for Proposals
HOME-ARP	$2,506,309	Utilization Pending Completion of Strategic Plan or Additional Instruction from M&C
ARPA-SLFRF Homeless Allocation	$5,000,000	
Continuum of Care Grant (FY23)	$818,603*	Planning Underway
CDBG (FY24)	TBD	Planning to Begin in September
Total Available for Future Use	**$9,218,849**	

* - Anticipated award based on HUD formula.

3. The U.S. Treasury Department requires that ARPA SLFRF funds be obligated by December 31, 2024 and spent by December 31, 2026. At the March 1, 2022 meeting, the M&C approved five focus areas for the use of SLFRF funding in the community. These include Affordable Housing, Youth Development, Homelessness, Business and Workforce Development, and Behavioral Health. At this meeting, the M&C also approved general timelines for the designation and use of ARPA funds in the community, and designated the AHC as the advisory group for the ARPA Homeless Allocation.

4. The U.S. Treasury Department strongly encourages communities to guide the implementation of ARPA SLFRF funds through a strategic planning process. This process permits SLFRF utilization be informed by a needs assessment and strategies to enhance community equity and provides a platform by which decision makers can determine priorities for funding based on data and community context

5. Staff issued a request for proposals to select a consultant to develop the SPRPH. The scope of this RFP was developed in partnership with the AHC. In total, the RFP was posted twice to the Athens-Clarke County website and the Georgia State Procurement Registry for periods of 30-45 days.

6. At the end of the second RFP period, one proposal was received. The review team recommends the proposal from The Cloudburst Group as the most responsive proposal (**Attachment #1**). In total, this proposal was awarded 89 of 100 possible points. In their review, the review team noted the following items regarding this proposal:
    - The project team's skills, education and background are diverse, which is important for this project. Two of the team members have ties to Georgia, having attended Georgia universities.
    - They seem to understand the project well and have outlined a nine month process to complete all of the necessary deliverables. Their approach seems to be inclusive of a number of relevant stakeholders.
    - Project Team has expertise in program evaluation, systematic analysis, measurable goal development, data analysis, live experience engagement, domestic violence, addressing issues of racial and gender equity, and needs assessment/gaps analysis.

- The proposal is primarily focused on unsheltered homelessness, the scope will need to be clarified to ensure they are including families experiencing homelessness (*staff note, this is a point of discussion for the August 10th meeting*).
- Project team has strong experience in housing and community development to include HUD federal funded programs, local governments, human service & shelter facilities, policies, grant writing, data collection, analysis, management, gender equity. Personnel manage a minimum of two projects at a time with the majority of projects ending in 2022. Project team has maintained a track record of success through the completion of projects annually.
- The budget is reasonable for the proposed scope of work.

7. It is estimated it will take eight months to complete the SPRPH. Upon completion, the plan will be presented back to the M&C for acceptance.

8. The SPRPH will identify needs across the community, independent of existing funding sources. Once these needs are identified and prioritized, ACCGov has the ARPA homeless allocation and the HOME-ARP funding on hand to begin implementing the plan. If the concerns and challenges regarding homelessness increase to a point where rapid action is needed, the M&C can choose to deploy the APRA Homeless allocation or HOME-ARP funding while the SPRPH completes development. In the meantime, HCD staff are deploying CDBG-CV funding to address acute needs in this area.

9. Per the local purchasing ordinance, M&C approval is not traditionally required for purchases under $200,000. However, the agenda report for the March 1, 2022 ARPA concept approval states "*The primary advisory group for affordable housing (GICH) is charged with creating a community-wide Housing Affordability Investment Strategy. This would involve the group returning to the M&C for the approval for a qualified facilitator for development of such an investment strategy, after a competitive procurement process."* It is for this reason that staff are requesting approval for this purchase.

10. $50,000 in General Fund Operating Contingency remains available to support this effort. Because other ARPA SLFRF allocations must fund their own strategic plans, staff recommends this plan do the same. As a result, the General Fund Operating Contingency will remain unused and be redesignated as unallocated fund balance in the General Fund, which will make it available for other purposes.

~~11. Staff have a number of minor clarifications that can be resolved to improve the strength of the overall proposal. Because there is only a single response to the RFP, staff will engage with the proposal team on August 10th to discuss these points. This may result in a proposal addendum to clarify and strengthen the proposal. If that occurs, staff will update this agenda item accordingly.~~

12. This recommendation supports the following ACCGov Strategic Plan Goals and Strategies:

- Organizational Improvement Goal, Strategy D: *Increase resident engagement in the decision-making process to give greater emphasis to information and power sharing, mutual respect, and reciprocity between residents and their government.*
- Quality, Stable, Affordable Housing Goal, Strategy D: *Prevent and reduce homelessness by enabling supportive housing options that meet a variety of needs.*

OPTIONS:

1. Mayor and Commission:
   a) Authorize staff to issue a purchase order to The Cloudburst Group to complete the Strategic Plan to Reduce and Prevent Homelessness as a part of the ARPA strategic planning process, at an amount of $133,116; and,
   b) Authorize Mayor and staff to execute all related documents.

2. Mayor and Commission choose not to authorize initiation of the project.

3. Commission defined option.

DEPARTMENT RECOMMENDED ACTION: 1 a & b

DEPARTMENT: Housing & Community Development
Prepared by: Andrew Saunders

Andrew Saunders — 8/9/22 Date

ADMINISTRATIVE COMMENTS:

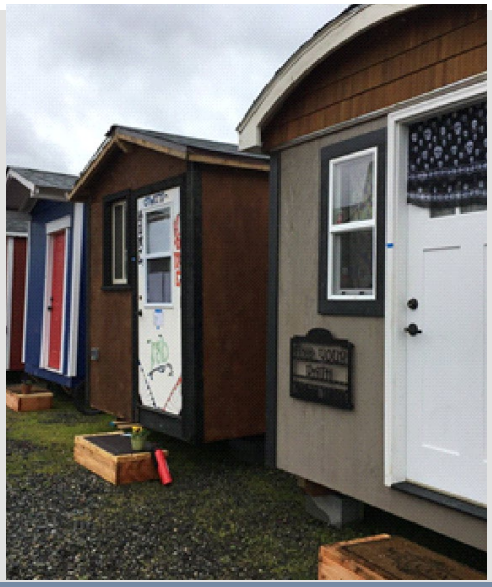
ADMINISTRATIVE RECOMMENDATION: Option #1 a & b

Manager — August 9, 2022 Date

ATTACHMENTS:
Attachment #1: Cloudburst Group Proposal for the Strategic Plan to Reduce and Prevent Homelessness
Attachment #2: Process Timeline for the ARPA Homeless Allocation
Attachment #3: Cloudburst Proposal Addendum

THE CLOUDBURST GROUP





Response to Request for Proposal: Plan to Reduce and Prevent Homelessness

RFP #01070

Submitted on: 7/18/2022

Submitted by:

Michelle Hayes, President
Cloudburst Consulting Group, Inc.
8400 Corporate Drive, Suite 550
Landover, MD 20785-2238
Phone: (202) 253-2346
Fax: (301) 918-4400
Michelle.Hayes@cloudburstgroup.com

Submitted to:

United Government of Athens-Clarke County
Finance Department, Purchasing Division
375 Satula Avenue
Athens, Georgia 30601

Women-Owned Small Business (WOSB)

DUNS: 602539111; UEI: N3E3BBNSAE78
NAICS Code: 541611
Multiple Award Schedule Contract Number: GS10F0218U
Tax Identification Number: 26-0121775

RESTRICTION ON DISCLOSURE AND USE OF DATA
This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror because of, or in connection with, the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in all pages/sheets and attachments of this proposal.

THE CLOUDBURST GROUP

15 July 2022

Andrew Saunder
Unified Government of Athens-Clarke County
Finance Department, Purchasing Division
375 Satula Ave.
Athens, GA 30601

Dear Andrew Saunder,

Cloudburst Consulting Group, Inc. (Cloudburst) is pleased to present its qualifications and staff expertise to support the Unified Government of Athens-Clarke County (ACCGov). As detailed below, Cloudburst's collective commitment to preventing and ending homelessness and deep history working at the federal, state, and local levels offer ACCGov unparalleled expertise to generate a short- and long-term plan to reduce and prevent homelessness, including a HOME-ARP Allocation Plan that includes actionable steps to strengthen the mental health and social service system for unhoused residents.

Founded in 2005, Cloudburst is a mission-driven, women-owned small business with a nationally recognized expert team of staff dedicated to working with communities throughout the country to prevent and end homelessness. Leveraging expertise gained from more than 16 years of working with the U.S. Department of Housing and Urban Development (HUD) homeless assistance programs and their grantees, Cloudburst staff offer ACCGov and its partners a tailored performance driven strategic plan that incorporates stakeholder-driven priority-setting, in-depth data analysis, and solutions for housing, including prioritizing HOME-ARP funding. Cloudburst's services are grounded in experience working with Continuums of Care (CoCs), local governments, and their essential partners to make measurable impacts on homelessness by helping communities make data-driven decisions, implement evidence-based best practices, and provide life-saving assistance to people experiencing homelessness. This experience also includes helping other communities develop compliant HOME-ARP plans.

Cloudburst's approach combines facilitated stakeholder sessions to build consensus around key activities, advanced administrative data analysis, and proven methods for engaging persons with lived experience of housing insecurity, resulting in actionable recommendations and baseline data on which to analyze the impact of recommendations.

Please find attached a proposed scope of work and budget. Cloudburst is prepared to work with your team to modify the approach and budget to best meet your needs. If you have any questions, please do not hesitate to contact me at 202-253-2346, michelle.hayes@cloudburstgroup.com.

Sincerely,

Michelle L Hayes

Michelle Hayes, President

8400 Corporate Drive • Suite 550 • Landover, MD 20785-2238
(301) 918-4400 • (301) 918-4900 fax • www.cloudburstgroup.com

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Business Information

Legal Name of Business:	Cloudburst Consulting Group, Inc. (DBA The Cloudburst Group)
State of Incorporation:	Maryland
Address:	8400 Corporate Drive, Suite 550 Landover, MD 20785-2238 Phone: 301-918-4400 Fax: 301-918-4900
Organizational Type & Structure:	Corporation; Women-Owned Small Business Registered with SBA under the $21.5M size standard for NAICS 541611
Length of Time Business has been in Operation:	16 years (incorporated July 2005)
Staff:	72 Employees located in 22 states
DUNS Number:	602539111
UEI Number:	N3E3BBNSAE78
Cloudburst Website:	https://www.cloudburstgroup.com/
State of GA Registration:	Cloudburst is registered to work in Georgia.
Organizational Points of Contact	Michelle Hayes, President/ CEO 202-253-2346 Michelle.Hayes@cloudburstgroup.com Denise Lomuntad, Senior Contracts Manager 301-412-9229 Denise.Lomuntad@cloudburstgroup.com JP Morgan, Chief Financial Officer 240-582-3628 JP.Morgan@cloudburstgroup.com

Qualifications and Experience

Cloudburst is a mission-driven, women-owned small business that has an ambitious goal: strengthen community and government capacity to address vulnerability, build resilience, and create lasting impact. Cloudburst's Homeless Assistance Team experts are nationally recognized for their work in making measurable impacts on homelessness by helping communities make data-driven decisions, implement evidence-based best practices, and provide life-saving assistance to people experiencing homelessness.

Cloudburst has over 16 years of experience serving HUD and state and local communities to improve housing and service outcomes for low-income and vulnerable populations at the policy and program levels, including designing and conducting analyses of homelessness and housing interventions. This includes supporting CoCs, Emergency Solutions Grants (ESG) programs, Homeless Management Information Systems (HMIS) collection and analysis, as well as supporting an array of HUD-funded Community Planning and Development programs. The team excels at using data to drive system improvements through advanced statistical analysis and evaluation techniques.

In addition, Cloudburst is currently working with several states and local communities to create HOME-ARP Allocation Plans to help address the housing needs of vulnerable residents. While HOME-ARP is a new funding source and program, its processes and eligible activities relate to multiple existing programs and Cloudburst has already developed strategic approaches for helping communities plan use of these funds. Cloudburst will leverage the expertise of our housing, homelessness, domestic violence, and community development staff to help ACCGov successfully create a HOME-ARP Allocation Plan that will meet their local needs and HUD requirements. This process is also intended to help ACCGov build capacity and partnerships to successfully implement HOME-ARP activities.

Cloudburst has worked with communities to analyze funding streams (both federal and local), develop staffing models, assist with allocations, and support communities to develop new partnerships for initiatives. During COVID-19, Cloudburst also worked with communities across the country to identify and quickly set up new facilities, operational manuals, service partnerships, staffing, and coordinated funding arrangements. This includes assistance with longer-term rehousing planning and goal setting. The Cloudburst team also includes staff who were previously HUD employees overseeing investments and operational costs as well as staff with on-the-ground experience with program and project implementation.

The Cloudburst team has worked with communities to develop actionable strategic plans to end homelessness. Recently, Cloudburst developed a needs and gaps analysis in Clallam County, WA (see section six) that included actionable model programs and measurable goals for the community, directly leading to the creation of a new safe parking program to manage unsheltered homelessness and streamline housing enrollment services. This team also worked as part of the HUD Unsheltered Initiative (see section six) to assist with planning processes in San Jose, CA that resulted in new prevention and rapid exit resources.

Cloudburst experts are known for helping communities increase the efficacy of affordable housing programs and develop research-based policy and guidance on “promising practices” that promote cross-systems collaboration. Cloudburst staff have in-depth experience providing housing program assistance, complemented by experienced behavioral health and community engagement specialists who are skilled in homeless policy, housing, and health and human services. Cloudburst’s teams are experts on research and evaluation that bridge housing, homeless services, behavioral health, and social services. Cloudburst offers ACCGov the depth of experience needed to develop an actionable plan to end homelessness and develop a HOME-ARP Allocation Plan.

Organizational Chart



Proposed Project Team

The Cloudburst team specializes in working with programs that serve people experiencing homelessness—including vulnerable subpopulations such as unsheltered individuals, the elderly, people with a disability, LGBTQ+ populations, veterans, and those struggling with substance use and/or mental health challenges—and ensuring the needs of these populations are accounted for during data-gathering and in the design of recommendations and allocation plans. Cloudburst proposes the following staff for this engagement, highlighting relevant education and training.

Table 1. Proposed Personnel

Role, Name, Education, and Experience	Qualifications and Project Responsibilities	Current Relevant Projects

Project Manager/Team Lead  Allison-Scott Pruitt, PhD (she/her) PhD, Sociology, University of Colorado at Boulder MA, Sociology, University of Louisville	Dr. Allison-Scott Pruitt brings more than 12 years of experience working on impact and performance evaluations with government, non-profit, and private-sector clients on human services and housing initiatives, including previously serving as the Health and Human Services Research and Evaluation Manager in Contra County, CA, which included the local CoC. Dr. Pruitt is currently leading national efforts with HUD to support data analysis, data collection, and the design of data-driven improvement strategies for homeless CoCs across the country. This includes conducting needs and gaps analyses, point-in-time analyses, and homelessness projections. Dr. Pruitt is also working with state and local communities across the country to generate homeless needs and gaps analysis as well as to inform HOME-APR Allocation Plans, leveraging community HMIS and other data to help guide community planning. She recently led HUD System Performance Improvement technical assistance including the development of a toolkit, workshop, and National Human Service Data Consortium institute. Dr. Pruitt will serve as the overall project manager, including responsibility for communications, and will lead project components related to systematic analysis and measurable goal development.	Delaware HOME-ARP Allocation Plan, ending August 2022 Washington State Homeless Needs Projections, ending March 2023 Open Doors Atlanta Homeless Service Program Evaluation, ending September 2022 Guilford, North Carolina Homeless Service Needs and Gaps Assessment, ending September 2022
Affordable Housing Expert  Stephanie Jennings (she/her) Masters of Regional Planning, University of North Carolina Chapel Hill Masters of Public Administration, University of North Carolina Chapel Hill	Stephanie Jennings has over 20 years of experience leading affordable housing and community development policy development, grant and loan programs, collective impact, and cross-sector initiatives. Ms. Jennings specializes in the field-based knowledge of best practices in planning, housing policy, affordable housing development, human service and shelter facilities, human/homeless services, fair housing, and cross-sector collaboration. She has significant direct experience with Consolidated Plans, Fair Housing Plans, CDBG, HOME, HUD Sustainable Communities, ARRA, CARES Act, and ARP funding. She is a team-oriented professional with strong strategic planning, coalition management, team supervision, project management, writing, presentation, and analytical skills. She is currently leading the development of multiple HOME-ARP Allocation Plans with local communities. This work is supported by her previous experience with special needs and supportive housing models, assembling multiple resources for project financing, creating coordinated housing stability services for vulnerable populations, and supporting agency cooperation and collaboration. Ms. Jennings will lead the development of the HOME-ARP Allocation Plan and assist in developing affordable housing strategic goals.	Iowa HOME-ARP Allocation Plan ending December 2022 Tri-Cities Consortium, WA HOME-ARP Allocation Plan ending February 2023 Mountain View, CA HOME-ARP Allocation Plan ending October 2022 HUD CDBG-CV Rental Assistance and Public Facilities Quick Guides completed March 2022 Lane Community Health Council Housing Education Collaborative completed February 2022

Homeless Services Expert  Katie Peterson (she/her) JD, University of Denver Sturm College of Law	Katie Peterson, a HUD programs subject matter expert, works alongside communities to prevent and end homelessness by providing technical assistance to CoC grantees and ESG recipients; developing training, tools, and products; and advising on program design, strategic planning, and program effectiveness. She has more than a decade of experience with HUD programs; most recently, she served as the Supervisory Management Analyst in the Chicago HUD Field Office. In that role, she supervised distributions of $2.4 billion of HUD funds and services to Illinois communities and organizations. Originally hired as a Presidential Management Fellow, Ms. Peterson rotated through the six major HUD divisions in addition to a rotation in headquarters. Ms. Peterson worked closely with the SNAPs office as the Dedicating Opportunities to End Homelessness (DOEH) lead for Chicago. Through her work creating housing solutions in HUD's public housing and multifamily programs for homeless households and establishing a pilot program to provide housing choice vouchers to trafficking survivors, she was a sought-after resource for headquarters and field offices across the country. Ms. Peterson will contribute to the design of program models and provide expertise on funding streams.	Unsheltered Initiative Coach (Southern Nevada, San Jose, Seattle) completed May 2020 Southern Nevada S1 Coach ending September 2023 Region 3 Authentic Engagement Lead, ending November 2022
Data Analyst  Austen Smith (they/them) B.A., Communications, University of Louisville	Austen Smith has five years of experience in data management, research coordination, and technical support. Previously, they served as Research Coordinator for the Compassionate Schools Project, the largest comprehensive qualitative study on the subject of compassion in the United States. Additionally, Austen Smith has worked for behavioral health non-profit organizations that serve populations living with developmental and intellectual disabilities to secure housing, employment, and living assistance. They are currently a data analyst with the HUD Coordinated Entry Equity Initiative and serve on the HUD Gender Identity Workgroup, in addition to supporting multiple state and local homeless needs and gaps analysis projects. Austen will lead lived experience engagement, support data analysis, and strategic planning.	Equity Initiative Coach, ending November 2022 HUD Gender Identity Workgroup member, ongoing King County Lived Experience Coalition qualitative data analysis, ending September 2022
Research Assistant  Faith Walker (she/her) B.S., International Relations, Georgia Institute of Technology	Faith Walker has experience working with state and local governments to improve public infrastructure and has worked with international community development programs to facilitate opportunities in education. She provides support for the development and implementation of technical assistance projects for federal (HUD-funded) programs and direct engagements with state and local government clients in the areas of community development, homeless assistance, affordable housing, grants management, compliance, reporting, and planning. Additionally, Ms. Walker served as the coordinator for the HUD Coordinated Entry Equity Initiative, managing product development, facilitation schedules, and community progress tracking. Ms. Walker will support data analysis and reporting.	Delaware HOME-ARP Allocation Plan, ending August 2022 Open Doors Atlanta Homeless Service Program Evaluation, ending September 2022

Community Engagement Specialist  Joel Warren (he/him) B.S. Applied Psychology, University of Michigan-Flint Master of Social Work, Catholic University of America	Mr. Warren is a nationally recognized expert in HUD program regulations and systems including the eCon Planning Suite and IDIS, and is a frequent contributor to the development of tools and guidance published on the HUD Exchange to assist grantees in managing and reporting on HUD CPD programs. With more than 5 years of experience, Mr. Warren has served both HUD and state and local communities in the development of Consolidated Plans, Annual Action Plans, performance reports, and fair housing objectives aimed at bringing community stakeholders from a variety of settings together to create impactful goals aiming to achieve a housing environment that is suitable, safe, and equitable. Mr. Warren is well versed in housing and socioeconomic data analysis, strategic planning, goal development, outcome measurement, and CPD program regulations and requirements. Mr. Warren has coordinated and facilitated community engagement components of over fifteen Consolidated Plans and Annual Action Plans. His experience as a Social Worker informs his approach to engaging with communities to understand needs and communicate program requirements and possibilities. Mr. Warren will support the community engagement component of the proposed work.	Brevard County HOME Consortium Consolidated Plan and Assessment of Fair Housing, ending December 2022 Washington State Homeless Needs Projections, ending March 2023 Tri-Cities Consortium, WA HOME-ARP Allocation Plan ending February 2023
Domestic Violence Specialist  Suzanne Marcus (she/her) Masters in Urban Policy and Nonprofit Management at the New School	Suzanne Marcus has more than 20 years of experience committed to advancing impact on services for victims of domestic violence. Significant experience working at the intersection of domestic and sexual violence, homelessness, and housing including serving in key leadership roles on Federal and local inter-agency task force initiatives. Expert in the Violence Against Women Act, Americans with Disabilities Act (ADA), Fair Housing Act, and their corollary safety, confidentiality and protections afforded to survivors. Practical experience providing guidance on qualifying populations in the areas of stakeholder engagement, the Needs Assessment and Gap Analysis, and eligible activities includes working with CoCs, state and local administrators, and domestic violence stakeholders, including homeless survivors, to assess the safe housing needs of homeless survivors. Specifically, Ms. Marcus conducted stakeholder listening sessions to generate system assessments that include best practice recommendations for communities including Prince George's County, MD; Springfield, MA; Los Angeles, CA and New York City, NY. Drawing on the community assessment recommendations, Ms. Marcus led strategic planning to align homeless/housing and victim services stakeholders around key housing priorities for survivors. As part of her work with Los Angeles, Ms. Marcus co-authored a Toolkit for housing developers, property managers, and service providers involved in building and operating Permanent Supportive Housing (PSH) for survivors of DV. Ms. Marcus will provide guidance on qualifying populations in the areas of stakeholder engagement, the Needs Assessment and Gap Analysis, and eligible activities.	Safe Housing Needs Assessment for City of Springfield, MA and Western Mass Network to End Homelessness, 2020 - 2021 Safe Housing Needs Assessment and strategic planning for LA County's Domestic Violence and Homeless Services Coalition, 2018 - 2021 Creating Permanent Supportive Housing to Meet the Needs of Survivors of Domestic Violence Toolkit 2021 (co-author) Reaching BIPOC Survivors with COVID-relief Flexible Funding in Harris County Texas, 2022 (author)

Behavioral Health Specialist  Kate Hurd (she/her) MPH, Emory University MSW, University of Maine	Ms. Hurd leverages successful experience working with multiple Federal review panels, including involvement of high level political officials, in review and approval of deliverables, including providing clear protocols for ensuring receipt of clear and consolidated feedback to inform final deliverables and implementing procedures where conflicting or dissenting comments are received. With a background and experience managing qualitative and quantitative research, designing research methods, and leading community engagement with respect to several fields including behavioral health co-morbidities, child maltreatment and violence prevention, Ms. Hurd provides the complimentary research skills necessary for the successful completion of this project. Past experience includes managing a research and evaluation to document and address gaps within the Clallam County, WA homeless service system and development of data-driven capacity building and training programs for the Office of Special Needs Assistance and community-level research projects at the intersection of health and housing. Ms Hurd will provide guidance on qualifying populations in the areas of stakeholder engagement, the Needs Assessment and Gap Analysis, and eligible activities.	Open Doors Atlanta Homeless Service Program Evaluation, ending September 2022 National Fair Housing Training Academy, ending December 2022 Program Evaluation for Prevention, ending August 2022

Understanding of the Project

The Cloudburst team will work to develop an actionable, holistic strategic plan and HOME-ARP Allocation Plan, focusing on the needs of the unsheltered population and strategies to improve housing outcomes. Strategic plans often form the basis of future budgetary and allocation decisions, as well as set performance benchmarks for selecting agencies to carry out funded activities. This project plan will leverage strategic planning data for HOME-ARP funds, demonstrating how the one-time funding can be used for long-term housing solutions. The team will apply proven methods of conducting interviews with key stakeholders and those experiencing homelessness and analyze HMIS and other available data, applying an equity lens for disparate outcomes for people of color or other marginalized populations. The team will work with ACCGov to develop a robust and participatory stakeholder feedback process and proceed with data collection that will produce detailed plans with results and measurable recommendations for an equitable system that is accessible and effective for the most vulnerable Athens-Clarke residents and those disproportionately impacted by homelessness and housing instability. This will include identifying program models that address key system gaps and support recommendations and eligible funding streams. The proposed approach is detailed below.

Task 1: Kick-Off Meeting

Following contract execution, the project team will provide Athens-Clarke County with a comprehensive work plan, as outlined in this proposal. This document will include resources relative to the project, such as the research questions to be examined, a summary of tasks and activities, and deliverables.

The project team will then conduct a remote kickoff meeting with Athens-Clarke County staff and other relevant stakeholders to review the proposed work plan and discuss other topics including:

- Validate the intent, purpose, and audience of the strategic plan.
- Review and finalize the project timeline.
- Review and confirm the roles and responsibilities of the project team and ACCGov staff to solidify communication channels.
- Identify key stakeholders and points of contact for engagement that are inclusive of the business community, neighborhood associations, the faith community, service providers, regional leadership, and people currently or formerly experiencing homelessness; understand current ways the CoC is engaging with people with lived experience of homelessness.
- Discuss initial research questions (as introduced below).
- Identify and review existing data, policies and procedures, housing waitlists, and any other pertinent information to support a records review. This will include protocols for accessing existing data from HMIS and other local systems as necessary.
- Agree upon a complete list of the information the assessment team will require to support information-gathering, analysis, and consultation throughout the project.

Following the kickoff meeting, the project team will revise the work plan to reflect the activities and interests that are most important to ACCGov and key stakeholders including timing for all deliverables as well as key personnel roles and responsibilities and a schedule of deliverables.

In addition to providing monthly status reports, Cloudburst anticipates meeting regularly with ACCGov staff to review progress, make modifications where appropriate, and provide updates on deliverables. The work plan may be updated with any findings from the initial stakeholder engagement sessions (see Section 2), which will inform the research questions and data collection design.

Task 2: Stakeholder Engagement

To ensure the strategic plan and HOME-ARP Allocation Plan reflect the needs of the community, Cloudburst will launch the project with eight remote focus groups sessions. Attendance will be targeted to key stakeholders, with opportunities for open public participation after draft plans have been completed. These sessions will inform the HOME-ARP Allocation Plan as well as strategic planning activities. Each listening session will have a different audience:

1. Homeless service system providers and key partners.
2. Domestic violence service providers.
3. Supportive service providers, including hospitals, behavioral health, and organizations supporting people with disabilities.
4. Public housing authorities, tenant law groups, fair housing agencies, and other relevant legal entities.
5. Veteran groups.
6. Athens-Clarke County business community.
7. Two open groups for other stakeholders including local neighborhood associations, faith communities and faith-based providers, and advocates and engaged members of the public.

These meetings will be conducted via a remote meeting platform (e.g., Zoom) and will be recorded for note taking purposes only. The purpose of these initial listening sessions will be to inform stakeholders of the four eligible groups of recipients for HOME-ARP funds (referred to as the "qualifying populations") and identify unmet needs and eligible activities that would best meet those needs. Additionally, these sessions will support a deeper understanding of planning topics and research questions as outlined below, to inform the development of the client and provider survey and focus group data collection instruments, and to understand the landscape of resources available to address homelessness from the perspective of the local community in support of the strategic plan.

From the listening sessions, Cloudburst will highlight themes and emphasize current approaches to ending homelessness (including what is working and how to address equity issues and other special populations), unique barriers for specific subgroups (e.g., youth), and current partnerships between sectors. The result will be custom survey and focus group tools that reflect the unique needs of Athens-Clarke County.

We anticipate ACCGov has existing relationships with stakeholders and can provide prefacing introductions and support for outreach and scheduling of sessions. Once the listening sessions are complete, Cloudburst will review notes to synthesize themes and emphasis to be threaded into the research work plan. Any information gleaned from the listening sessions will be de-identified and handled confidentially.

Task 3: Data Collection and Analysis

To understand the extent and experience of homelessness in Athens-Clarke County, as well as current system performance and investment levels, Cloudburst proposes a multi-pronged approach to data collection that is driven by stakeholder engagement. Working with ACCGov staff and other stakeholders, this approach will review all components of the system, incorporating perspectives from clients, homeless service staff, referral partners, and community agencies through a variety of listening sessions, focus groups, and/or surveys. All data collection and analysis will be informed by stakeholder input, incorporating an administrative data review and client and provider data collection. This data analysis will inform both the strategic plan and the HOME-ARP Allocation Plan needs and gaps requirements. Table 2 lists preliminary research questions that will be further informed by the listening sessions.

Table 2. Preliminary Research Questions

Research Question	Data Collection Method					
	Policy Documents	HMIS Data	Listening Sessions	Interviews/ Focus Groups	Surveys	System Mapping
What are trends in unsheltered homelessness? What factors are driving these trends?		■	■	■	■	■
Which groups or subpopulations are most likely to experience unsheltered homelessness as opposed to receiving shelter?	■	■	■	■	■	■
Are there sufficient outreach and other services for people experiencing homelessness? What service gaps exist?	■	■	■	■	■	■
Are high-priority and marginalized populations being successfully referred and enrolled in available housing and supportive service interventions? How can assessment and prioritization be improved?	■	■	■	■	■	■
How are prevention and re-entry programs currently operating? How can these programs be more effective in preventing homelessness?		■	■	■	■	
Which current interventions are most successful in ending homelessness? Which could be improved?		■	■	■	■	
How are providers and entities across Athens-Clarke County currently coordinating? How can coordination be improved?			■	■	■	
How do people access coordinated entry and services? What are the outcomes?			■	■	■	
Which providers have the capacity for expanded operations? What resources would be needed to accomplish this?			■	■	■	
What housing types are most needed for the populations currently experiencing homelessness and housing instability? Which service offerings would be most effective in increasing housing stability after placement?			■	■	■	

Administrative Data Review

The project team will begin an initial desk review of available data. This will include policy and procedure documents (e.g., street outreach), workflow documents, and available shelter and housing programs information. Providers may also be asked to provide information on shelter capacity and wait times for housing subsidies, such as rapid rehousing, as well as the current capacity of these programs each year. Additionally, PIT count survey data will be used to analyze the characteristics of the unsheltered population and ways this group differs from those in shelters.

The project team will also request de-identified HMIS data, to the extent street outreach and service data are available. Cloudburst staff are experienced HMIS administrators and are familiar with the applications and limitations of this data. HMIS data will be analyzed for service connections (if possible), outcomes, and other system performance indicators (e.g., first-time homeless). To conduct a thorough equity analysis, data will be disaggregated to conduct an equity analysis by race, ethnicity, and priority populations (e.g., chronically homeless).

Drawing on these data sources, Cloudburst will develop an estimate of the current homeless population and the gaps in services they are experiencing, with a focus on people experiencing unsheltered homelessness in encampments. In combination with publicly available data on the drivers of homelessness (e.g., eviction data, poverty rates, substance use), Cloudburst will develop 10-year projections, with data for each year, of estimated change in people experiencing homelessness in Athens-Clarke County to support long-term service and shelter capacity planning.

This analysis will be used in both the strategic plan and HOME-ARP allocation. In the HOME-ARP allocation guidance, review of HMIS, PIT, and other administrative data is mandatory for the completion of the needs and gaps analysis. For the strategic plan, this data will be used to assess baseline performance, establish realistic performance goals for the coming years, and assess current system strengths and gaps.

Informed by the review of available data, the project team will conduct interviews and administer surveys with local providers and people experiencing homelessness. Cloudburst anticipates that ACCGov will provide connections to both clients and providers, including phone numbers and a warm introduction explaining that they will be contacted for this study. Cloudburst will provide a two-person team for onsite interviews.

Client Data Collection

Interviews will be conducted in a facility that is readily accessible for clients, such as a day center or other service provider where they will feel comfortable. It is anticipated that 20 interviews with current clients will be completed. All interview participants will provide verbal informed consent for their participation. Data obtained from the interviews will be reported as confidential and anonymous. Clients will be compensated $20 for their time, provided through a gift card. The client interviews will enhance the strategic plan as well as contextualize the needs and gaps portion of the HOME-ARP allocation plan.

Areas of inquiry to consider for clients in surveys and interviews include:

- Pathways into homelessness (and where it may have been prevented).
- Ease of access to services, as well as gaps in current services.
- Ways to improve communication and outreach about services.
- Overall experience within the homeless service system and suggestions for improvement.

Provider Data Collection

To understand current system capacity and client engagement strategies, Cloudburst proposes 20 remote interviews with local providers. Interviewees should include upstream system partners that influence risk factors for homelessness (such as the foster care system) and partner systems likely to have contact with the homeless service system (such as mental and behavioral health providers).

To supplement this data, the project team will develop an electronic provider survey based on stakeholder and client feedback and distribute it via email to the local CoC planning body, other CoC committees, and providers (regardless of their level of participation in the CoC). Cloudburst anticipates that the CoC will have at least one primary email contact for each committee and provider, and Cloudburst will also conduct online research to locate additional contacts. Providers and committees will be asked to forward the survey to relevant stakeholders who should also participate. The survey will be confidential.

Areas of inquiry to consider for providers in surveys and focus groups include:

- Overall coordination within the service system to address the needs of people experiencing homelessness.
- Agency-level strategic goals.
- Capacity-building needs and current gaps.
- Client engagement strategies.
- Common client needs and barriers to addressing them, focusing on equity issues.

Data Analysis

Cloudburst's practice is for data analysis to be undertaken by the same team members who facilitate and participate in the interviews. This practice ensures the full and seamless integration of additional contextual information (e.g., body language, etc.) into the notes. Interviews will be conducted as open discussions lasting no more than 60 minutes. Each of the interviews will be audio-taped and de-identified.

Cloudburst will aggregate and synthesize the data through careful reviews of these notes, using standard procedures for analyzing qualitative focus group data. The analysis will involve carefully coding and grouping responses consistently and according to similar or related pieces of information presented, allowing for the comparison of responses and identification of common themes and trends. Survey data will be analyzed in aggregate, noting themes consistent between the focus groups and survey responses. The initial findings will be presented to ACCGov, with an opportunity for input prior to the final report.

Task 4: Program Models

Cloudburst will identify program models that can serve as solutions to key system gaps identified from the data collection and analysis. These will focus on tiered and streamlined approaches to housing-focused shelter options, permanent housing expansion, eviction and prevention strategies, partnerships to support institutional exits, and other outcomes as listed in the RFP. One particular focus will be providing guidance on transitioning sanctioned encampments to permanent solutions, including ongoing encampment management, coordinated outreach models, housing first, and direct housing from unsheltered locations. Drawing on its network of national technical assistance providers and communities, the project team will explore model programs. Cloudburst will begin a review of academic literature, research from reputable research and policy centers (e.g., HUD

User, Urban Institute, United States Interagency Council on Homelessness, National Alliance to End Homelessness, etc), HUD documents, and reports produced by state and local governments. Cloudburst will also draw on source material from previous projects.

Once best practice models are identified, the project team will conduct interviews with staff administering those programs to collect specific information on staffing models, associated costs, and recommendations for implementation. These will be contextualized within eligible costs for HOME-ARP allocation, as well as a review of other funding sources available to Athens-Clarke County to determine coordinated investment strategies. This may include federal, state, and local funding, as well as possible source amounts from private donors (e.g., philanthropic foundations) to use as capital investments. The analysis will include current spending on programs and services for unsheltered homelessness, highlighting areas where costs may be reduced by better meeting the needs of this population. Cloudburst will review the program models with ACCGov staff, identifying models and strategies for inclusion in the draft strategic plan. These program models will also inform selection of HOME-ARP eligible activities and other decisions necessary to complete the HOME-ARP Allocation Plan.

Task 5: Plan Development, Public Review and Comment

Based on the data analysis and program models, Cloudburst will draft a strategic plan. A draft of the strategic plan will be available for one round of review and comment by ACCGov staff prior to public release. Cloudburst will facilitate another round of up to five remote focus groups, with outreach to the groups listed in Task 2, to review the draft plan and provide feedback on the recommended approaches. Cloudburst will incorporate any necessary edits and changes to the plan and provide ACCGov with a revised version that can be posted to their website for public comment. Following the 15-day public comment period, Cloudburst will update the strategic plan to include a summary of any comments received on the final version of the plan.

Following completion of the draft strategic plan, Cloudburst will hold a series of three remote workshops with ACCGov staff to make decisions about required elements of the HOME-ARP Allocation Plan. The first workshop will review the analysis of unmet needs for each HOME-ARP qualifying population and identify which HOME-ARP activities are best suited to address unmet needs and align with the strategic plan. HOME-ARP eligible activities include: 1) tenant based rental assistance; 2) supportive services; 3) rental housing; 4) non-congregate shelter; and 5) non-profit operating support and capacity-building. The second workshop will identify preferences for any populations, methods of distribution, and production goals. The third workshop will focus on finalizing HOME-ARP plan elements and implementation planning.

Cloudburst will draft the HOME-ARP Allocation Plan using the HUD HOME-ARP Allocation Template which includes sections on consultations, public participation, needs and gaps analysis, selected HOME-ARP activities, housing production goals, preferences, and referral methods. Cloudburst will facilitate one remote working session to review the draft plan and will incorporate final edits and provide ACCGov with a final Allocation Plan to be posted on the their website for public comment. Athens-Clarke County will be responsible for holding a public hearing and providing any comments to Cloudburst. Following the 15-day public comment period, Cloudburst will update the Allocation Plan to include a summary of any comments received on the HOME-ARP Allocation

Plan. Athens-Clarke County will be responsible for presenting the HOME-ARP Allocation Plan to its governing body for adoption. Cloudburst staff will be available to attend remotely if needed.

Task 6: Final Plans and Presentation

Cloudburst will finalize the strategic plan and the HOME-ARP Allocation Plan and submit the plans to Athens-Clarke County within approximately four weeks of the conclusion of public comment. Cloudburst has an in-house professional communications team that will format and brand the report into a publishable, 508-compliant final report of approximately 20–25 pages. The team will provide Athens-Clarke County with both Microsoft Word and PDF versions that can be uploaded to the HOME-ARP Allocation Plan link on the AD-26 Administration screen of the 2021 Action Plan in IDIS. Additionally, Cloudburst will support Athens-Clarke County in compiling the SF-424 forms and specific HOME-ARP combined certifications. Cloudburst will remain available for on-call support and TA during HUD's review period for the HOME-ARP Plan.

Deliverables and materials to be included are:

1. Final versions of the strategic plan will include:
    a. A summary of the data collection process.
    b. Results of the stakeholder engagement and rationale for the direction of the project.
    c. Key themes from client interviews and surveys, including experiences within the homeless service system and needed services.
    d. Key themes from provider interviews and surveys, including current capacity and barriers.
    e. Results of the administrative data analysis, including an equity analysis and 10-year projections of homelessness.
    f. Recommendations for improved system policies and measurable goals.
2. Final version of the HOME-ARP Allocation Plan will include:
    a. A summary of the consultation process conducted with required stakeholders as well as comments received during the consultations.
    b. A summary of the public participation process including information about the written public comment period and public hearing, efforts to broaden public participation, and a summary of any comments received in the comment period and public hearing.
    c. A needs assessment of the four HOME-ARP qualifying populations and a gaps analysis of shelter, services, and housing to address the needs of those populations.
    d. A summary of the selected HOME-ARP activities, funding allocation, rationale for activity selection, HOME-ARP production goals, preferences, referral methods, and implementation methods
3. A presentation of key findings, delivered remotely, with the opportunity to ask clarifying questions of the assessment team, will be scheduled with plan delivery.

References

Cloudburst is widely known for improving housing and service outcomes for low-income and vulnerable populations at the policy and program levels, including designing and conducting needs analyses of people experiencing homelessness. As established program evaluators and researchers with experience designing needs analyses that produce actionable strategies to end homelessness, Cloudburst has proven to be a valued partner in holistically evaluating how homeless service systems can improve operations, procedures, and client engagement/satisfaction through data-driven and comprehensive program review coupled with improvement recommendations. This has been further applied to helping communities develop data-driven plans to allocate the one-time funding available under HOME-ARP.

Cloudburst can both design robust research methodologies (such as needs and gaps analyses and impact or performance evaluations) and develop specialized studies that pair expert staff knowledge of HUD programs with the analysis of administrative or other quantitative/qualitative data to analyze a new trend/intervention or answer research inquiries. Cloudburst offers Athens-Clarke County expansive past performance working on national and locally funded research and evaluation projects as described below.

Table 3. Past Performance

Project Name, Client, Period of Performance, and Key Staff	Project Description	Project Point of Contact
Clallam County Needs and Gaps Analysis (link to final report) Clallam County, Washington Health and Human Services 2/2020–7/2020 Scott Pruitt, Project Manager	For Clallam County Washington Health and Human Services, Cloudburst conducted a Homeless Needs and Gaps Assessment. This included a complete analysis of local HMIS data, interviews with current homeless system clients, a client survey that included all homeless system partners, and in-depth discussions with provider agencies. The project applied an equity lens to the mix of services currently being funded by the county, identifying gaps for specific subgroups, including people with a disability, and disparate outcomes for people of color. The report, which was presented to the Board of Health and Homeless Task Force, identified model programs and specific recommendations for the county to close service gaps, improve coordination, and create equitable outcomes for all individuals experiencing a housing crisis in the county. The project was completed in approximately four months. The recommendations to the community have been successful in implementing new safe parking, expanding transportation lines, and developing new partnerships for shelter opportunities.	Jenny Oppelt, Behavioral Health & Homelessness Program Coordinator Clallam County Health & Human Services 360-417-2431 joppelt@co.clallam.wa.us
Point-in-Time (PIT) Count Projections and Analysis Arkansas Balance of State Continuum of Care 12/2019–05/2020 Katie Peterson, TA Lead Scott Pruitt, PIT Count Analysis	Under a cooperative agreement with HUD, Cloudburst supported the Arkansas Balance of State (BoS)with in-depth technical assistance to facilitate an assessment and decision-making process involving an Arkansas CoC that resulted in a formal merger and increased the footprint of the CoC. The BoS lacked the capacity to conduct a full PIT count of people experiencing homelessness in its geography, which was exacerbated by COVID-19 impacts. Cloudburst staff conducted in-depth training to counties able to complete a count. The PIT data was cleaned for inconsistencies and ineligible populations. The assessment team then validated the cleaned data for each counted area based on previous PIT counts and demographically similar counties. To include uncounted areas, the assessment team then tested different extrapolation methods based on poverty rates, demographics, available resources, and rates of homelessness in demographically similar areas. Once the most accurate method was determined (based on producing estimates most similar to known PIT counts), the entire BoS geography was extrapolated for a complete PIT count by county and region. The assessment team provided training and support to local staff to enter compliant data and also complete reporting of emergency shelter, rapid rehousing, and permanent supportive housing resources. Arkansas BoS CoC has successfully completed a PIT count for the second year in a row. Cloudburst has assisted in training participants in the 46 counties that incorporate the BoS, resulting in improved data quality and reporting systems.	William Snow, Senior Program Specialist HUD 202-402-4541 William.Snow@hud.gov

Coordinated Entry Equity Initiative HUD Cohort One: 12/2020–5/2021 Cohort Two: 6/2021–present Scott Pruitt, Cohort One Project Manager/Evaluation Lead Austen Smith, Cohort Two Data Coach Faith Walker, Cohort Two Coordinator	The project enrolled communities across the country to bring together homeless service leaders and clients with lived experiences of homelessness to analyze homeless system data for equitable outcomes. The communities in the project began to retool their client assessment and prioritization criteria to reach the most vulnerable community residents, create standing forums for stakeholder input, and reimagine their service systems to promote both equity and efficiency. Communities participating in this initiative have implemented more equitable assessment tools, revised local policies and procedures, and developed permanent forums for working with clients of the system to provide feedback.	Lisa Coffman, Senior Advisor in the Office of the Deputy Assistant Secretary for Special Needs HUD Lisa.R.Coffman@hud.gov
Unsheltered Initiative HUD 2019–2020 Katie Peterson, Subject Matter Expert	The Unsheltered Initiative provided direct technical assistance to 10 large communities across the country that experience the highest numbers and rates of unsheltered homelessness to improve their crisis response system and successfully house unsheltered households. Cloudburst staff worked with four of those communities: Seattle, Southern Nevada, San Jose, and Honolulu. In San Jose, the team worked with local shelters to add pet policies and discuss how to make shelters pet-friendly to lower barriers to entry. The team also worked on creating a Housing Problem-Solving/Diversion program in the community, which remained operational during COVID-19.	Caitlin Morath, Senior Confidential Advisor HUD 202-402-6933 Caitlin.M.Morath@hud.gov
HUD Community Workshops (link to Toolkit) HUD 6/2020–present Austen Smith, Workshop Facilitator Scott Pruitt, Workshop Facilitator and Curriculum Designer	Cloudburst staff currently facilitate the HUD Coordinated Entry (CE) and System Performance Improvement community workshops. The CE workshop combines peer support, guided training, and dedicated technical assistance to support communities in evaluating the core pillars of a successful CE system: leadership, equity, and data. The work focuses on prioritization and assessment, helping communities design equitable yet simple prioritization criteria and assessment tools. The System Performance Improvement workshop helps grantees quickly develop and implement data-informed improvement strategies focusing on equitable system redesign. The workshop lasted for five weeks, with every community that attended having designed at least one data-informed strategy and many having begun implementation. The workshop ran for three cycles, enrolling approximately 30 Coronavirus Aid, Relief, and Economic Security (CARES) Act grantee communities. This workshop was redeveloped for a National Human Services Data Consortium conference presentation focused on equitable data collection and will run as a 12-week series beginning in March 2022.	Caitlin Morath, Senior Confidential Advisor HUD 202-402-6933 Caitlin.M.Morath@hud.gov

Iowa HOME-ARP Allocation Plan Iowa Finance Authority 2/2022 - 3/2023 Stephanie Jennings, Project Manager	Cloudburst is currently working with the Iowa Finance Authority (IFA) to develop the State of Iowa's HOME-ARP Allocation Plan. Through this project, the team has organized and facilitated over 15 consultation sessions with stakeholders serving the four HOME-ARP qualifying populations including supportive service providers, Continuums of Care, HOME participating jurisdictions, public housing authorities, and affordable housing providers. Cloudburst is also analyzing quantitative data to estimate the size and composition of the four HOME-ARP qualifying populations across the state to inform the plan's Needs Assessment and Gap Analysis. This process includes synthesizing state and federal datasets with interview and focus group data to identify priority needs as well as service, capacity, and housing inventory gaps. In the upcoming months, Cloudburst will draft the State's HOME-ARP Allocation Plan and facilitate working sessions with IFA to discuss the State's strategies, goals, and implementation plan for HOME-ARP funds.	Amber Lewis, Homelessness Programs Manager Iowa Finance Authority 515-425-0452 amber.lewis@iowafinance.com
HOME ARP Allocation Plans (Subcontract to M&L Associates) 4/2022-present Scott Pruitt, Team Lead Katie Peterson, SME Faith Walker, Analyst	Cloudburst staff have assisted M&L with several recent projects. For the State of Georgia Department of Community Affairs, Cloudburst conducted a statewide homelessness analysis focused on supportive housing need, including projections of need, stakeholder engagement, and models of supportive housing policy improvements. This analysis included Athens-Clarke County. For Fulton County, Georgia, Cloudburst designed and facilitated a CoC Board retreat to strengthen governance and set measurable strategic goals. Cloudburst is completing the needs and gaps analysis for HOME-ARP allocation plans for the states of Kansas and Delaware, including stakeholder engagement, policy analysis, and HMIS data review.	Marjorie Willow, AICP Principal 17343 Fox Glove Avenue Prairieville, LA 70769 Phone: 412.323.1950 Cell: 740.338.8393 www.mandl.net

Financial Information and Documentation

The Cloudburst Group, founded in 2005, is a mission-driven Women-Owned Small Business focused on improving social, economic, and environmental resilience in the U.S. and across the globe. We have an ambitious goal: strengthen community and government capacity to address vulnerability, build resilience, and create lasting impact when responding to development challenges.

- Organizational Structure: Cloudburst is a S Corporation registered in Maryland with 3 principals who comprise their Board of Directors: Michelle Hayes, President and Chief Executive Officer; Meggan Medina, Secretary and Chief Operating Officer; and J.P. Morgan, Treasurer and Chief Financial Officer. The owners have been in place since 2016 and have overseen a 30% growth in revenue during that period.

- Financial references for the company are as follows:
    - Paul H. Deerin, Senior Vice President, Atlantic Union Bank,703-871-7358
    - Clint Lehman, Audit Partner, Deleon & Stang, 301-250-7400
    - Brad Hoffman, Managing Tax Partner, Deleon & Stang, 301-250-7400

- Independent Financial Audits have been completed through Fiscal Year (Calendar 2021) with no issues identified.

- Cloudburst has not had any failures to complete prior projects or has had any contracts which exceeded initial program or project budget, exceeded initial schedule, and any contract penalties or damages assessed.

- Cloudburst has not had any history of litigation, including items settled out of court, for any companies/consultants affiliated with this proposal or any other work conducted by the company..

Schedule, Time, and Cost Procedures

This project has been designed for completion within eight months of contract execution. The following timeline will guide the work plan, which can be modified to accommodate Athens-Clarke County needs and deadlines.

Table 4. Project Timeline

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8
1a. Work plan development								
1b. Kick-off meeting								
1c. Ongoing coordination with ACCGOV								
2a. Remote focus groups								
3a. Administrative data review								
3b. Client interviews								
3c. Provider interviews								
3d. Provider survey								
4a. Best practice identification								
4b. Program model interviews								
4c. Funding analysis								
5a. Draft preparation								
5b. Focus groups and workshops								
5c. Summary of comments								
6a. Final plans								
6b. HOME-ARP submission support								
6c. Two remote presentations								

Cloudburst has developed a budget total of $133,116 for the project. Based on Athens-Clarke County's preferences, this project can be operated as a time and materials (T&M) project with monthly invoices based on labor hours and other direct costs expended, or as a firm-fixed-price (FFP) project with payments based on milestone completion of deliverables.

		Task 1 - Kick Off Meeting		Task 2 - Stakeholder Engagement		Task 3 - Data Collection and Analysis		Task 4 - Program Models		Task 5 - Public Review and Comment		Task 6 - Final Plans		TOTAL	
Team Member	Rate	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Subtotal	Hours	Dollars
Scott Pruitt	$ 153	18	$ 2,754	15	$ 2,295	60	$ 9,180	0	$ -	60	$ 9,180	30	$ 4,590	183	$ 27,999
Kate Hurd	$ 144	0	$ -	5	$ 720	20	$ 2,880	0	$ -	15	$ 2,160	10	$ 1,440	50	$ 7,200
Austen Smith	$ 104	0	$ -	20	$ 2,080	35	$ 3,640	0	$ -	30	$ 3,120	15	$ 1,560	100	$ 10,400
Faith Walker	$ 85	0	$ -	20	$ 1,700	75	$ 6,375	30	$ 2,550	40	$ 3,400	15	$ 1,275	180	$ 15,300
Katie Peterson	$ 153	5	$ 765	5	$ 765	10	$ 1,530	30	$ 4,590	20	$ 3,060	20	$ 3,060	90	$ 13,770
Stephanie Jennings	$ 153	18	$ 2,754	15	$ 2,295	10	$ 1,530	20	$ 3,060	60	$ 9,180	35	$ 5,355	158	$ 24,174
Joel Warren	$ 122	0	$ -	5	$ 610	30	$ 3,660	25	$ 3,050	40	$ 4,880	25	$ 3,050	125	$ 15,250
Suzanne Marcus	$ 153	0	$ -	5	$ 765	10	$ 1,530	5	$ 765	5	$ 765	10	$ 1,530	35	$ 5,355
Comms Team Support	$ 85	0	$ -	0	$ -	0	$ -	0	$ -	20	$ 1,700	20	$ 1,700	40	$ 3,400
LABOR TOTAL		41	$ 6,273	90	$ 11,230	250	$ 30,325	110	$ 14,015	290	$ 37,445	180	$ 23,560	961	$ 122,848
Travel			$ -		$ -		$ 6,583		$ -		$ -		$ -		$ 6,583
Reproduction/Materials/Teleconf			$ 188		$ 337		$ 910		$ 420		$ 1,123		$ 707		$ 3,685
TOTAL			$ 6,461		$ 11,567		$ 37,818		$ 14,435		$ 38,568		$ 24,267	961	$ 133,116

Budget Assumptions

1. Athens-Clarke County will provide timely access to reports and information regarding homeless system operations, as well as facilitate access to PIT count and HMIS data.
2. Athens-Clarke County will be available to facilitate introductions for providers and key stakeholders; providers in the county will facilitate introductions for people experiencing homelessness or recently housed through their services.
3. Up to eight remote stakeholder engagement sessions; up to 20 interviews with clients—Athens-Clarke County and partners will provide introductions for participating agency partners. Cloudburst will procure and disseminate $20 gift cards for each participant; up to 20 interviews with providers.
4. Up to two Cloudburst staff will travel onsite for two trips (three nights each) to support this project.
5. A provider survey will be disseminated electronically, anticipating approximately 50 responses. Athens-Clarke County will support dissemination and reminders for completion.
6. Physical meeting space for onsite interviews and workshops will be provided by stakeholders at no cost to the contract.

7. The public comment period will be 15 days. Comments will be compiled by ACC staff and made available in a file for each plan.
8. Athens-Clarke County will be responsible for scheduling and holding the HOME-ARP Allocation Plan public hearing and adoption by its governing body. Cloudburst staff will be available to attend remotely.
9. Cloudburst will prepare and deliver two final plans of approximately 25 pages each. The report will be copyedited and professionally formatted by Cloudburst's communications team.
10. The final presentations will be remote. Athens-Clarke County staff will organize presentation logistics and invitations.
11. Cloudburst staff will submit a progress report to Athens-Clarke County once per month.

A: Proposal Form

MANDATORY SUBMITTAL

SECTION V – PROPOSAL FORMS

A: PROPOSAL FORM

Proposal of Cloudburst Consulting Group, Inc.

(Hereinafter called "Offeror"), organized and existing under the laws of the State of

Maryland, *doing business as* The Cloudburst Group*.

In compliance with your RFP, the Offeror hereby proposes and agrees to perform and furnish all work for the requirement known as **RFP #01070 Plan to Reduce and Prevent Homelessness** in strict accordance with the Proposal Documents, within the time set forth therein, and at the price proposed.

By submission of this Proposal, the Offeror certifies, and in the case of a joint Offer, each party thereto certifies as to its own organization that:

1. The Offeror has examined and carefully studied the Proposal Documents and the Addenda, receipt of all of which is hereby acknowledged at Section V-B.
2. The Offeror agrees that this proposal may not be revoked or withdrawn after the time set for the opening of proposals but shall remain open for acceptance for a period of ninety (90) days following such time.

Company:	Cloudburst Consulting Group, Inc.		
Contact:	Michelle L. Hayes, President		
Address:	8400 Corporate Drive, Suite 550		
	Landover, MD 20785		
Phone:	202-253-2346	Fax	301-918-4900
Email:	michelle.hayes@cloudburstgroup.com		

☒ ***By checking this box, I acknowledge that I have read ATTACHMENT B - MASTER CARD E-PAYABLES PROGRAM WELCOME LETTER***

☒ ***By checking this box, I acknowledge that I have read all insurance requirements and will meet requirements listed in* RFP #01070 Plan to Reduce and Prevent Homelessness if awarded.**

Michelle L. Hayes, President	Michelle L Hayes	7/1/2022
Authorized Representative/Title *(print or type)*	**Authorized Representative** *(Signature)*	**Date**

B: Addenda Acknowledgement

Company Name (*printed*): Cloudburst Consulting Group, Inc.

MANDATORY SUBMITTAL

SECTION V – PROPOSAL FORMS

B: ADDENDA ACKNOWLEDGEMENT

The Offeror has examined and carefully studied the Specifications and the following Addenda, Receipt of all of which is hereby acknowledged:

Addendum No.	1	dated	July 6, 2022	Acknowledgement	MLH
Addendum No.		dated		Acknowledgement	*Initial*
Addendum No.		dated		Acknowledgement	*Initial*
Addendum No.		dated		Acknowledgement	*Initial* *Initial*

Offerors must acknowledge any issued addenda. Proposals which fail to acknowledge the offeror's receipt of any addendum will result in the rejection of the proposal if the addendum contained information which substantively changes the Owner's requirements.

C: Contractor Affidavit

SECTION V – PROPOSAL FORMS

MANDATORY SUBMITTAL

C: CONTRACTOR AFFIDAVIT & AGREEMENT UNDER O.C.G.A. § 13-10-91(b)(1)

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. § 13-10-91, as amended, stating affirmatively that the individual, firm or corporation which is engaged in the physical performance of services on behalf of The Unified Government of Athens-Clarke County, Georgia, has registered with, is authorized to use, and uses the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the provisions and deadlines established in O.C.G.A. § 13-10-91, as amended.

Furthermore, the undersigned will continue to use the federal work authorization program throughout the contract period and the undersigned contractor will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the information required by O.C.G.A. § 13-10-91(b). Contractor hereby attests that its federal work authorization user identification number and date of authorization are as follows:

128745
Federal Work Authorization Company Identification Number

June 18, 2008
Date of Authorization

Name of Contractor: Cloudburst Consulting Group, Inc.

Name of Project: Plan to Reduce and Prevent Homelessness

Name of Public Employer: The Unified Government of Athens-Clarke County

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on 27, June, 2022 in Haddam, CT.

Denise F. Lomuntad
Signature of Authorized Officer or Agent

Denise F. Lomuntad, Sr. Contracts Manager
Printed Name and Title of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE
27th DAY OF June, 2022

Toni R. Laich
Notary Public
My Commission Expires: 03/29/2025

TONI R. LAICH
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
My Commission Expires 03-29-2025

Page | 20

D: Price/Proposal Schedule

Company Name (*printed*): Cloudburst Consulting Group, Inc. MANDATORY SUBMITTAL

SECTION V – PROPOSAL FORMS

D: PRICE/PROPOSAL SCHEDULE

(Must be submitted on a separately sealed drive)

TOTAL NOT TO EXCEED PROPOSAL FEE = $ 133.116

PROJECT TEAM RATES

Team Member	Role	Hourly Rates	Project Hours	Total
Scott Pruitt		$153	183	$ 27,999
Kate Hurd		$144	50	$ 7,200
Austen Smith		$104	100	$ 10,400
Faith Walker		$ 85	180	$ 15,300
Katie Peterson		$153	90	$ 13,770
Stephanie Jennings		$153	158	$ 24,174
Joel Warren		$122	125	$ 15,250
Suzanne Marcus		$153	35	$ 5,355
Comms Team Support		$ 85	40	$ 3,400
Travel				$ 6,583
Materials / Telecom / etc.				$ 3,685
		PROJECT TOTALS:		$133,116

American Rescue Plan Act CLSFRF Funding Plan

Homelessness

$5,000,000

Advisory Committee: Homeless Coalition with Community Partners' Input

Staff releases RFP to procure a consultant to facilitate a strategic plan to address homelessness in collaboration with community partners → Advisory Committee evaluates proposals and makes recommendation on consultant → M&C consider recommendations and approve contract award for consultant → Consultant works with ACCGov and Advisory Committee to facilitate strategic plan → M&C consider acceptance of the strategic plan and set funding priorities → Staff drafts RFP(s) based on M&C-approved funding priorities → Implementation Committee evaluates proposals and make funding recommendations → M&C consider recommendations and approve contract awards → Staff prepares contracts and provides technical assistance to agencies awarded → Once contract is executed, agencies begin programs and provide monthly reports → Staff monitors agencies for compliance and issues payments in accordance with contract → Quarterly performance reports provided to M&C and/or Advisory Committee

ANTICIPATED TIMELINE

Tasks	2022											2023						
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
M&C approve ARPA process																		
RFP released to procure consultant to facilitate strategic plan																		
Advisory Committee evaluates proposals																		
M&C award contract for consultant (facilitator)																		
Strategic plan developed with facilitated community engagement																		
M&C Work Session on strategic plan																		
M&C vote to accept strategic plan & set funding priorities																		
Staff develops requisite RFPs based on funding priorities, if appl.																		
Staff releases RFP(s) based on M&C-approved funding priorities																		
Implementation Committee evaluates proposals & make recommendations																		
M&C consider recommendations and approve contract awards																		
Technical assistance and contract execution																		

Note: This process flow chart may evolve based on the continued input of the Mayor and Commission, ACCGov staff, advisory groups, and the public in general.

THE CLOUDBURST GROUP

August 12, 2022

Andrew Saunders
Interim Director
Housing and Community Development
United Gov't of Athens-Clarke County

Cloudburst's proposal in response to RFP #01070 Plan to Reduce and Prevent Homelessness dated 7/15/2022 outlines a methodology to accomplish both a strategic plan and HUD-compliant HOME-ARP allocation plan. Where possible, activities have been combined to accomplish both goals for cost savings. We would like to offer the following points of clarification regarding the proposed project and have assessed that there are no cost changes to the proposal as submitted.

Funding Analysis

As part of the needs and gaps analysis, Cloudburst will consolidate information available on all funding streams currently available to the Athens-Clarke County Government to address homelessness. This will include federal funding streams (e.g., HOME-ARP, Continuum of Care), as well as local revenue (e.g., hotel/motel tax), and other special allocations, such as the ARPA State and Local funds. When assessing key system gaps or strategic goals, Cloudburst will provide information on how those goals could be funded using available dollars. When a model from another community is highlighted as a best practice, information on how that program is funded will be included in the analysis.

Encampment Guidance

Cloudburst understands that there is a relatively new sanctioned encampment in Athens that is managed by a local service provider. Our analysis will leverage available HMIS data to better understand who has stayed in the encampment, the outcomes of housing services provided, as well the budget for operation. It will be essential for the encampment service provider to be included in the strategic planning process. The guidance will include strategies for addressing both the sanctioned encampment and unsheltered homelessness elsewhere in the community. Cloudburst has previously worked with communities beginning to implement sanctioned encampments, as well as communities needing to close encampments or large capacity shelters. Our approach does not assume that a decision has been reached to either close the encampment or continue operations. This will be a key deliverable in Task 6. Should gaps in service provision to the encampment be found in the data analysis, the guidance would include recommendations to improve operations with information on possible funding streams to address this gap. Additionally, transitioning individuals from the encampment to housing may be one use of HOME-ARP funds in the community.

8400 Corporate Drive ● Suite 550 ● Landover, MD 20785-2238
(301) 918-4400 ● (301) 918-4900 *fax* ● www.cloudburstgroup.com

Stakeholder Engagement

The proposal contains groups for stakeholder engagement. In addition to the mandatory HOME-ARP stakeholders (e.g., domestic violence providers), the stakeholder engagement can include university stakeholders, the business community, and other groups that are important to Athens-Clarke County. These will be discussed and agreed upon at the outset of the project.

Role of the Advisory Committee

The proposal makes numerous references to key stakeholders of the Athens-Clarke County government, which we understand to be the Advisory Committee. We understand the Advisory Committee to be about 12 persons representing the various organizations throughout the county that have a vested interest in the outcomes of the strategic plan and receiving HUD approval on the HOME-ARP plan. We anticipate convening the advisory committee at least monthly. This group will:

- Participate in the kickoff meeting to inform the overall work plan (Task 1)
- Consult on populations and groups for stakeholder engagement (Task 2)
- Inform the provider data collection (Task 3)
- Review recommendations of program models (Task 4)
- Review and provide recommendations on the draft plans prior to public comment (Task 5)

It should be noted that there are HOME Conflict of Interests requirements under 24 CFR § 92.356 that may impact the role of the Advisory Committee in the final HOME-ARP allocation plan. Cloudburst anticipates advising Athens-Clarke County on the requirements and collaboratively discussing the best role for the Advisory Committee at different points in the process.

Addressing the Spectrum of Housing Needs

The proposal heavily emphasizes people experiencing unsheltered homelessness, as we understand this to be an urgent need in Athens-Clarke County. However, the analysis will include everyone experiencing homelessness in the county, inclusive of families, veterans, those at-risk of homelessness, and fleeing domestic violence. Several of these populations would be required elements of the HOME-ARP allocation plan. Additionally, the analysis will include the full spectrum of housing resources available in the county, such as Rapid Rehousing, Permanent Supportive Housing, vouchers, and other forms of rental assistance.

We welcome the opportunity to provide clarification on any additional elements of the proposal. Please do not hesitate to reach if needed. I can best be reached at 202-253-2346 or Michelle.Hayes@cloudburstgroup.com.

Regards,



Michelle Hayes
President and CEO

ATTACHMENT #1

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR TRANSIT OPERATING EXPENSES; 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 Transit Fund operating expenses.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

Other General Administration

General Fund Contingency up to ($225,000)

Increase:

Transfers Out/Other Financing Uses

Transfer to Transit Fund up to $225,000

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

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: ACCGov Transit Request for FY22 Funding

DATE: July 8, 2022

BUDGET INFORMATION:

REVENUES:

EXPENSES:
ANNUAL:
CAPITAL:
OTHER: $225,000 (Fiscal Year 2022)

FUNDING SOURCE: General Fund Contingency

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:
To request that the Mayor and Commission (M&C) adopt a budget ordinance **(Attachment #1)** amending ACCGov Transit's FY22 Operating Budget to provide General Fund Contingency support of up to $225,000 for expenses related to costs incurred for providing transit services that were not funded by anticipated Federal Transit Authority (FTA) grant funds.

HISTORY:

1. Since 1977, the FTA Urbanized Area (UZA) Formula Program (Title 49 U.S.C. Section 5307) has annually provided operating and capital funding assistance to qualifying transit systems, including ACCGov Transit.

2. On March 17, 2020, due to the COVID-19 public health emergency, the Mayor and Commission (M&C) approved 'fare free' ACCGov Transit services, waiving fares for all ACCGov Transit passengers.

3. On May 5, 2020, the M&C approved the acceptance of a CARES Act Federal Operating and Capital Grant for ACCGov Transit in the amount of $9,067,731. Of this, $5,826,145 was designated for FY21 and enabled ACCGov Transit to provide fare-free transit through FY21.

4. On November 3, 2020, the M&C approved the authorizing resolution for an FTA 5307 FY22 grant in the amount of $7,822,452. This amount included $2,888,426 from ACCGov local funds.

5. On March 8, 2021, the Georgia Department of Transportation (GDOT) supplied ACCGov with a Notice of Intent to Award (NOIA) FTA FY22 5307 grant, project number T006835. The total amount of award was $5,125,264, not including a local match of $2,088,100.

6. The March 8, 2021 NOIA also included $1,569,242 in CARES Act funding and $366,722 in CRRSSA funding. However, the CARES Act funding had already been awarded to ACCGov Transit for FY21. Out of the total $1,935,964 FY22 CARES Act and CRRSSA award for FY22, $1,248,050 had been expended in FY22 and $687,914 remained.

7. On March 29, 2021, FTA announced the appropriation of ARPA funds to the Athens-Clarke County Urbanized Area (UZA), in the amount of $7,170,185.

8. On June 15, 2021, the M&C adopted the FY22 annual budget, which did not include a General Fund transfer to the ACCGov Transit Fund. ACCGov Transit had requested a General Fund transfer of $3.3M in the FY22 departmental annual budget request. Manager Williams had reduced the general fund transfer to $2.4M after his departmental budget review. In addition, the ACCGov FY22 annual budget included an estimated use of State and Local Fiscal Recovery Funds (SLFRF) through the American Rescue Plan Act (ARPA) totaling $2,220,900. At the time of budget adoption, the M&C authorized the Manager to identify and reduce budgets equal to the appropriated revenue replacement amount and transfer eligible General Government expenses to the ARPA special revenue fund in FY22.

9. On May 24, 2022, Athens-Clarke County residents approved the TSPLOST 2023 program. Of this, $27.3M is designated to support current ACCGov Transit operations from October 2022 through September 2027.

10. On June 8, 2022, GDOT notified ACCGov Transit that the FY22 5307 grant was pending FTA approval and would not be available in FY22 as previously indicated.

11. In FY22, ACCGov Transit was projected to receive $2,721,669 in total revenue and expend $7,277,617 (not including depreciation), for a deficit of $4,555,948.

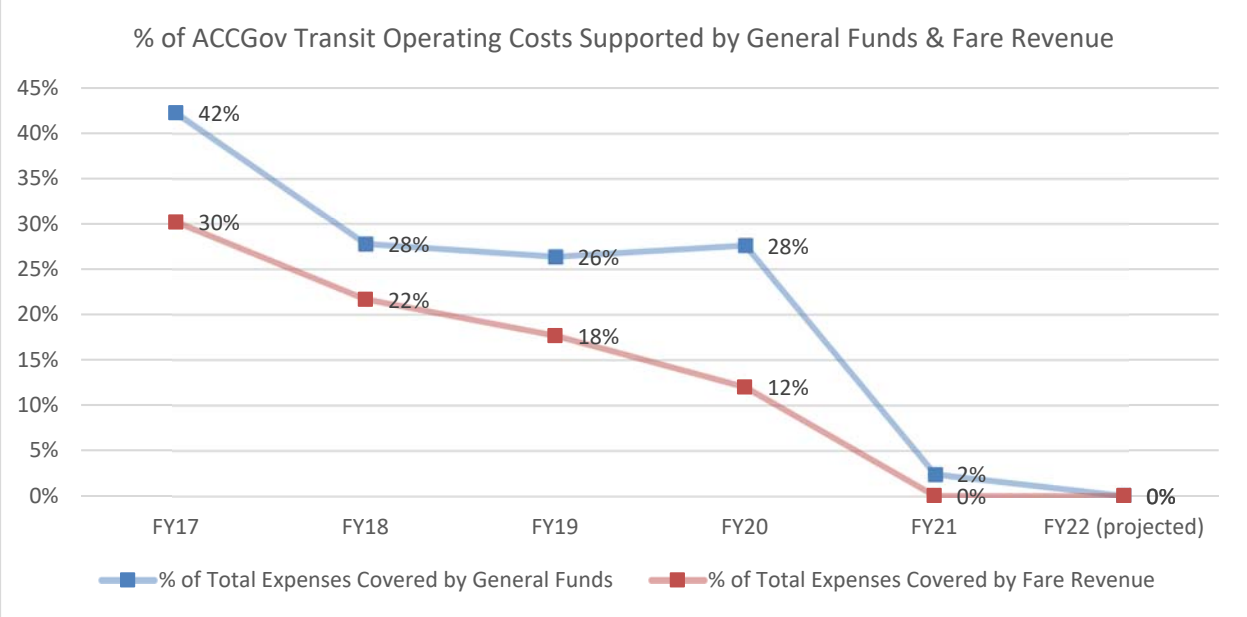
12. On July 14, 2022, Manager Williams provided authorization to reclassify eligible General Government expenditures in the amount of $470,000 from the FY22 budget-appropriated SLFRF ARPA revenue replacement funds to cover expenses incurred by ACCGov Transit, as allowed under Treasury guidelines and in accordance with M&C authorization.

13. As of August 8, 2022, ACCGov Transit and Finance estimated the use of $3,357,418 of ACCGov Transit's unrestricted net position to cover expenses incurred in FY22. With the additional appropriation of $470,000 and updated expenditure projections, the current estimated overall deficit is approximately $225,000.

FACTS & ISSUES:

1. The U.S. Congress appropriates Federal Transit Formula Funds annually. Annual funding requests are based on cost projections and submitted to FTA through GDOT. However, because the Federal Government's fiscal year begins October 1st and ACCGov's fiscal year begins July 1st, the actual funding is not approved until after October 1st. ACCGov Transit has enhanced procedures to monitor and follow up on FTA grant funds.

2. Prior to FY21, ACCGov Transit also relied on the ACCGov General Fund and fare revenue to support operations and provide local match to federal grants when required. The chart below displays the downward trend in General Fund and fare revenue support over the past six fiscal years.



3. Based on current financial projections, and without additional General Fund transfer and/or fare revenue support, ACCGov Transit will not be in a position to expand service. TSPLOST funding combined with projected grant funding is needed to support current ACCGov Transit service levels.

4. To continue receiving Federal operating grant funds, ACCGov Transit will need local matching funds. For example, if ACCGov Transit is awarded $2M in FTA operating funds, ACCGov Transit will need $2M in local funding to match the grant amount. Prior to zero-fare transit service, fare revenue accounted for a majority of the annual required local match. TSPLOST will be required for the local match and additional operations support. For FY23 it is projected that $4,300,308 of approved TSPLOST funds will be utilized for Transit operations.

5. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:

- Safely move around Athens, Strategy C: *Expand multi-modal transit access to reduce auto dependency and provide greater mobility for Athens residents.*

Options:

1. Mayor and Commission (M&C) adopt a budget ordinance **(Attachment #1)** amending ACCGov Transit's FY22 Operating Budget to provide General Fund Contingency support of up to $225,000 for expenses related to costs incurred for providing transit services that were not funded by anticipated Federal Transit Authority (FTA) grant funds.

2. Mayor and Commission (M&C) do not adopt a budget ordinance **(Attachment #1)** amending ACCGov Transit's FY22 Operating Budget to provide General Fund Contingency support of up to $225,000 for expenses related to costs incurred for providing transit services that were not funded by anticipated Federal Transit Authority (FTA) grant funds.

3. Mayor and Commission defined option.

DEPARTMENT:
Prepared by: Ryan Solchenberger

DEPARTMENT RECOMMENDATION: Option #1



Ryan Solchenberger — Date: 07/12/2022

ADMINISTRATIVE RECOMMENDATION: Option #1



Manager — Date: August 10, 2022

ATTACHMENTS:
Attachment #1 – Budget Ordinance

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Award of Contract for Dental Insurance

DATE: June 29, 2022 August 30, 2022

BUDGET INFORMATION:

REVENUES: ~~$1,200,000~~ $904,840

EXPENSES: ~~$1,200,000~~ $904,840
ANNUAL:
CAPITAL:
OTHER:

FUNDING SOURCE: Employee Contributions

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Approve award of dental insurance contract to ~~TBD~~ Cigna with an estimated first year annual employee paid premium of ~~TBD~~ $904,840 based on enrollment of approximately ~~1,125~~ 1,135 employees and ~~460~~ 431 retirees; and
b. Authorize Mayor and appropriate staff to execute all related documents.

HISTORY:

1. In July 1995, the Unified Government of Athens-Clarke County (ACCGov) began offering optional dental insurance to employees, where employees pay 100% of the program costs. Ameritas served as the dental insurance provider until 2010.

2. On July 1, 2010, Mayor & Commission approved Metlife as the dental insurance provider after a formal bid process.

3. On March 3, 2015, Mayor & Commission approved Delta Dental as the dental insurance provider after a formal bid process.

4. On August 6, 2020, Mayor & Commission approved Delta Dental as the dental insurance provider after a formal bid process.

5. On July 11, 2022, ACCGov issued a Request for Proposals for dental insurance carriers and received bids from the following six carriers:
    - Aetna

- Cigna
- Delta Dental
- Humana
- Metlife Atlanta
- United Concordia Dental

FACTS & ISSUES:

1. ACCGov's current employee dental insurance contract expires on December 31, 2022. While RFPs are generally issued every five years, Delta Dental has experienced changes to their roster of in-network providers, which could be potentially disruptive to ACCGov employees and retirees. Therefore, to ensure the most accessible & cost-effective coverage, the Human Resources Department issued a Request for Proposal (RFP) to solicit competitive proposals for one year, with the option for four one-year extensions for dental insurance coverage. The optional years will be at the discretion of ACCGov.

2. The current annual employee/retiree paid program costs for dental insurance is approximately $1.03 million, though costs vary depending on fluctuating enrollment. The enrollment is estimated to be the following:

Active Employees (including COBRA & LTD)	Retirees
~~1,125~~ 1,135	~~460~~ 431

3. An insurance review committee evaluated the bids based on the following criteria:
   - Understanding of the Requirements
   - Contract Price
   - Firm Experience
   - Qualifications
   - Quality Assurance
   - Other Benefits Provided
   - References

   The committee consists of:
   - ~~Stephen McKenzie~~ Carrie Arnold, Consultant with Epic Brokers;
   - Traci Mason, Benefits and Wellness Administrator;
   - Bonni Hall, Benefits Coordinator~~; and~~
   - ~~Jill Arquette, Benefits Analyst.~~

4. The review committee recommends ~~TBD~~ Cigna for dental insurance based upon the criteria listed above as well as the following:

   - Size of network

- Emphasis on total health & wellness, including wellness initiatives that would enhance current ACCGov wellness programs.

- A variety of added benefits including implementation funds, tele-dentistry options, & mobile screening units.

- Cigna's rates are 10.43% lower than current, with a 2-year rate guarantee and a 6.5% rate cap for the following three (3) years. Cigna's lower rates will result in the following monthly premiums for employees during the next open enrollment:

	Current	Cigna	% decrease
EE	$30.16	$27.01	10.43
EE + Spouse	$58.22	$52.15	10.43
EE + Child	$70.48	$63.13	10.43
Family	$98.48	$88.21	10.43

5. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:
    - Organizational Improvement Goal, Strategy A: *Develop strategies to recruit, reward, and retain high performing employees, both internally and externally, including individuals coming out of the justice system*

OPTIONS:

1. Mayor and Commission:
    a. Approve award of dental insurance contract to ~~TBD~~ Cigna with an estimated first year annual employee paid premium of ~~TBD~~ $904,840 based on enrollment of approximately ~~1,125~~ 1,135 employees and ~~460~~ 431 retirees; and
    b. Authorize Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission do not approve award of the ACCGov dental insurance as proposed.

3. Mayor and Commission Defined Option.

DEPARTMENT RECOMMENDED ACTION: Option #1 a and b.

DEPARTMENT:
Prepared by: Traci Mason

Jeff Hale

June 22, 2022
Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a and b





Manager

August 10, 2022
Date

Attachment #1

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE EPD RECYCLING, WASTE REDUCTION AND DIVERSION STATE GRANT FOR SOLID WASTE RECYCLING OPERATING AND CAPITAL EXPENSES; 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 EPD Recycling, Waste Reduction and Diversion State Grant for capital and operating expenses for recycling operations in Solid Waste. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:	
Increase:	
State Grant	$270,000
EXPENDITURES:	
Increase:	
Solid Waste- Operating	$70,000
Solid Waste- Capital	$200,000
Total	$270,000

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

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: EPD Recycling, Waste Reduction and Diversion Grant

DATE: August 9, 2022

BUDGET INFORMATION:

REVENUES: $270,000

EXPENSES:
ANNUAL:
CAPITAL:
OTHER:

FUNDING SOURCE: $270,000 from the Solid Waste Trust Fund (SWTF)

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a) Approve the submission of a grant application to the Solid Waste Trust Fund, Recycling, Waste Reduction, and Diversion Grant program;
b) Accept the grant funds, if awarded;
c) Adopt the attached budget amendment ordinance **(Attachment #1)**; and
d) Authorize the Mayor and appropriate staff to execute all necessary documents.

HISTORY:

1. In 1990, the Solid Waste Trust Fund (SWTF) was established in 1990 as part of the Georgia Comprehensive Solid Waste Management Act.

2. In 1992, an amendment to the Act established a primary source of funding for the SWTF in the form of a $1.00 fee on every new tire sold in the state

3. In previous fiscal years, the Solid Waste Department has utilized funding from the Local Government Scrap Tire Abatement Program to fund amnesty events. The Local Government Scrap Tire Abatement Program is within the SWTF and funds illegal tire site cleanups, roadside cleanups and amnesty events.

4. On July 26, 2022, the Georgia Environmental Protection Division (EPD) announced the new Recycling, Waste Reduction, and Diversion (RWD) Grant as part of the Solid Waste Trust Fund (SWTF) Grant Program.

FACTS & ISSUES:

1. The Recycling, Waste Reduction, and Diversion (RWD) grant created as part of the Solid Waste Trust Fund (SWTF) Grant Program, will reduce solid waste in Georgia, recover valuable materials, support manufacturing, and encourage innovation.

2. The RWD grants will be awarded each fiscal year (July 1 through June 30) subject to the amount of funds available that year, and there may be multiple rounds of funding in a year. Eligible applicants may apply for any amount up to the maximum available in that cycle. A total of $2,000,000 is available for the first grant cycle.

3. Eligible applicants and recipients for the RWD Grant include:
    a. Counties, municipalities, or any combination of the same, hereafter referred to as local governments
    b. Public authorities, agencies, commission, or institutions
    c. Applicants who are subject to an open EPD consent order or other EPD enforcement action are not eligible to receive grants
    d. Applicants who have received grant funds in past years but have NOT demonstrated successful administration of those grant funds may be deemed ineligible by EPD.

4. Eligible Projects – the RWD Grant allows applicants to develop project proposals that best support their communities' needs. Projects must focus on increasing recycling, reducing waste, and/or diverting recoverable materials from the solid waste stream as described in the authorized uses of the SWTF.

    Examples of RWD Grant projects may include, but are not limited to:
    a. Recycling and Waste Diversion Infrastructure – Projects that create, expand, or improve infrastructure at materials recovery facilities (MRF), recycling transfer stations, convenience centers, or through other equipment that will increase the capacity to serve customers
    b. Hub and Spoke Development – Projects that create, expand, or improve the operation of recycling hub and spoke infrastructure, collection, distribution, and logistics
    c. Hard-to Recycle Materials – Projects that create, expand, or improve the operation of hard-to-recycle and/or household hazardous waste recycling facilities
    d. Recovery of Additional Materials – Projects that collect and/or process new material streams
    e. Waste Reduction – Projects that create, expand, or improve programs at the local level to reduce waste

f. Innovation – Projects that demonstrate innovative processes for waste reduction or innovative use of recycled products.

5. Eligible applicants are encouraged to apply matching monies. Matching monies are not a requirement, but will allow for increased results associated with a broader program and improve chances for approval of the grant. The Solid Waste Department is not recommending a match as ACCGov currently has a position and capital project focused on compost work.

6. The Solid Waste Department is requesting grant funding for the following:

ITEM	COST
Compost Collection Truck (replacement)	$200,000
Compost Collection Roll-Carts (100 – 32 Gallon)	$50,000
Compost Education Monies	$20,000
TOTAL	$270,000

7. The grant application deadline is 4:30 PM on September 30, 2022. The Solid Waste Department will apply contingent upon M&C approval of this agenda report.

8. These recommendation supports the following ACCGov Strategic Plan Goal and Strategy:
   - Built and Natural Infrastructure Goal, Strategy C: *Provide adequate funding for maintenance of existing and newly constructed infrastructure.*

OPTIONS:

1. Mayor and Commission:
   a) Approve the submission of a grant application to the Solid Waste Trust Fund, Recycling, Waste Reduction, and Diversion Grant program;
   b) Accept the grant funds, if awarded;
   c) Adopt the attached budget amendment ordinance **(Attachment #1)**; and
   d) Authorize the Mayor and appropriate staff to execute all necessary documents.

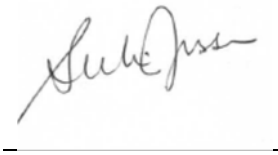
2. Mayor and Commission deny authorization to submit the grant application.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option # 1 a, b, c and d

DEPARTMENT:

Prepared by: Suki Janssen



Suki Janssen Date: 8.30.22

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option # 1 a, b, c and d





August 30, 2022

Manager Date:

ATTACHMENTS:

Attachment #1 – Budget Amendment

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Safe Streets and Roads for All Action Plan Grant Application

DATE: August 11, 2022

BUDGET INFORMATION:

REVENUES: $1,000,000 Safe Streets and Roads for All Action Plan Grant (80% Federal Match)

EXPENSES:
OTHER: $250,000 Total Local Recommended Match Available (20%)

FUNDING SOURCE: SS4A Action Plan Grant 2022, TSPLOST, 2018, TSPLOST 2023, and FY23 General Capital

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that Mayor and Commission:

a. Authorize the Transportation and Public Works Department (T&PW) to submit a Safe Streets and Roadway for All (SS4A) Implementation Grant Application in the amount of $1,000,000 to fund an Action Transportation Plan as shown on Notice of Funding Opportunity (**Attachment #1**); and
b. Authorize the Mayor and appropriate staff to execute all related documents.

HISTORY:

1. Between March 2017 and August 2018, Transportation & Public Works (T&PW) staff, Toole Design Group, and the Bike and Pedestrian Master Plan Committee developed a Bicycle and Pedestrian Master Plan, branded Athens in Motion (AiM), which sets as a short-term task to develop a Vision Zero Action Plan in partnership with Georgia Department of Transportation (GDOT), Georgia Department of Public Safety, Clarke Central School District (CCSD), UGA and all other ACCGov Departments.

2. On October 2, 2018, the Mayor and Commission (M&C) accepted the Bicycle and Pedestrian Master Plan, branded "Athens in Motion Plan."

3. On June 4, 2019, M&C adopted a resolution forming the Athens in Motion Commission (AiMC), stating in Article 1.4, *"The AiMC is advisory in nature and is charged with the responsibility of recommending projects, policies, and initiatives to the Mayor and Commission"*

4. On November 15, 2021, the Bipartisan Infrastructure Law was enacted as the Infrastructure and Investment and Jobs Act and established the Safe Streets and Roads for All Program.

5. On May 16, 2022, the United Stated Department of Transportation (USDOT), Office of the Under Secretary for Policy (OUSP) published a Notice of Funding Opportunity (NOFO) for the 2022 Safe Streets and Roads For All (SS4A) Discretionary Grant Program (NOFO was later amended on August 1, 2022).

6. On June 7, 2022, M&C approved the FY23 budget, allocating funds for a Vision Zero Safety Specialist position.

7. Between May 16, 2022, and August 5, 2022, T&PW staff attended multiple USDOT training, and inquired about eligibility and purpose of the grant program and how it aligns with ACCGov's strategic goals and master plans.

8. On August 2, 2022, M&C adopted a Vision Zero Resolution to help guide the development of ACCGov's Action Plan aligned with USDOT SS4A Program and funding.

FACTS & ISSUES:

1. ACCGov owns and maintains the backbone of transportation infrastructure in Athens-Clarke County including:
    a. 626 centerline miles (1270 lane-miles) of public roadways, including collectors, arterials, and local streets.
    b. 234.5 miles of 5-foot sidewalks. While most have good accessibility with ramps, some lack ramps and have substandard geometry.
    c. 47 miles of bike lanes. Many of these bike lanes are substandard, and
    d. 13.4 miles of recreational trails.

2. ACCGov owns and maintains 41 bridges from the National Bridge Inventory System, including 15 bridge culverts, and most of said bridges lack proper shoulder width and/or pedestrian and bicycle facility.

3. The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro-mobility users, and commercial vehicle operators.

4. Athens-Clarke County experiences an entirely preventable loss of life annually due to traffic crashes, constituting a public health crisis, with an average of 13 people killed per year and an average of 56 seriously injured per year over the last 9 years.

5. 2021 ended with the highest recorded number of fatalities in a single year with a combined loss of life of 23 people with 5 pedestrian, 1 cyclist, and 17 vehicular fatalities.

6. 2021 also ended with 50 serious injuries including 6 pedestrian, 2 cyclists, and 42 vehicular related crashes.

7. Traffic-related fatalities and serious injuries are on the rise nationally and within Athens-Clarke County, the likelihood of fatal crashes has increased 200% from 2017 to 2021, exceeding that of the entire state of Georgia by 23.7%.

8. Most traffic-related deaths and serious injuries stem from inadequate road and intersection designs, poor driver behavior, limited sight lines, and increasing traffic.

9. 75% of fatal and serious injuries in Athens-Clarke County occurred at intersections.

10. The purpose of the SS4A NOFO is to solicit applications for SS4A grants. Funds for the fiscal year (FY) 2022 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users.

11. The 2022 SS4A Grant Application deadline is September 15, 2022 with the last day for questions and/or inquiries being August 15, 2022.

12. The following Activities are eligible for the SS4A Program:
    a. Develop or update a comprehensive safety action plan (Action Plan).
    b. Conduct planning, design, and development activities in support of an Action Plan.
    c. Carry out projects and strategies identified in an Action Plan.

13. There are two types of SS4A Grants;
    1) Action Plan or Supplemental Action Plan Grant, and
    2) Implementation Grant.

14. Action Plan or Supplemental Action Plan Grant:
    a. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region.
    b. It can fund activities that could directly assist in the process of developing or updating an Action Plan by conducting outreach, data collection, analysis, and other related tasks (see NOFO for full list of tasks).
    c. It can also fund Supplemental Action Plan activities to support or enhance an existing Action Plan.
    d. The award amount will be based on estimated costs with minimum of $200,000, and a maximum of $1 million for a political subdivision of a State, and a maximum of $5 million for a metropolitan area that is regional in scope (See SS4A NOFO for more details).

15. Implementation Grant:
    a. It funds projects and strategies identified in an Action Plan that address roadway safety problems.
    b. May also fund associated planning and design and supplemental Action Plan activities in support of an existing Action Plan.
    c. Award amount will be based on estimated costs with minimum of $5 million, and a maximum grant of $30 million for political subdivision of a State (see SS4A NOFO for more details).

16. The Federal share of a SS4A grant may not exceed 80% of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20% of eligible activity costs. All matching funds must be from non-Federal sources. SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

17. The SS4A Grant Priorities are as follow:
    a. Promote safety;
    b. Employ low-cost, high-impact strategies that can improve safety over a wider geographic area;
    c. Ensure equitable investment in the safety needs of underserved communities;
    d. Incorporate evidence-based projects and strategies; and
    e. Align with the USDOT's mission and with priorities such as equity, climate and sustainability, quality job creation, and economic strength and global competitiveness.
18. TPW staff is applying for an Action Planning grant in the amount of $1,000,000, for a project total of $1,200,000. The grant proposal includes the following:
    a. Planning Efforts (procuring consultant services)
        i. $250K for developing a Vision Zero Plan for ACC
        ii. $100K for developing a Safe Routes to Schools Plan
        iii. $100K for updates to the Athens in Motion Plan
        iv. $50K for developing a bicycle network Wayfinding Plan
    b. Data Collection (traffic software purchases)
        i. $150K for Vehicular, Bike, and Pedestrian counting hardware
        ii. $100K for Multi-modal traffic database subscription access
    c. Supplemental Action Planning Activities (minor capital infrastructure improvements)
        i. $250K for Safety and Traffic Calming Pilot Program materials
        ii. $200K for traffic signal camera improvements

19. Award announcements are expected to be made by the end of calendar year 2022 or early 2023.

20. T&PW staff believe the SS4A Action Plan Grant is aligned with a number of Master Plans, initiative, policies, and goals of ACCGov including:
    a. 2018 Athens In Motion Plan
    b. Complete Streets Policy
    c. Vision Zero Resolution & newly created position within T&PW department.
    d. M&C FY23-FY25 Strategic Plan

21. If approved by M&C, T&PW staff will proceed with submitting Action Plan Grant applications following the SS4A NOFO guidelines shown in **Attachment #1**. In addition, T&PW staff are seeking GDOT support (in writing) for the Action Plan Grant application. GDOT support statements received will be included in the application package.

22. If the SS4A Grant is awarded by the USDOT, T&PW staff will coordinate with ACCGov stakeholders including user groups assigned to the various funding programs (TSPLOST 2018 and TSPLOST 2023). In addition, SPLOST user group and staff's recommendations will be provided in a future Grant Award agenda item along with recommended local match funding sources.

23. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:
    - Safely Move Around Athens Goal, Strategy E: *Enhance Safety for all modes of transportation*
    - Built and Natural Infrastructure Goal, Strategy C: *Adequate funding for maintenance of existing and newly constructed infrastructure*

OPTIONS:

1. Mayor and Commission:
    a. Authorize the Transportation and Public Works Department (T&PW) to submit Safe Streets and Roadway For All (SS4A) Implementation Grant Application in the amount of $1,000,000 to fund Action Transportation Plan as shown on Notice of Funding Opportunity (**Attachment #1**); and
    b. Authorize the Mayor and appropriate staff to execute all related documents.

2. Mayor and Commission do not approve submission of the Safe Street and Roads For All Implementation Grant Application.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1a and b.

DEPARTMENT: Transportation & Public Works

Prepared by: Rani Katreeb, PE, Assistant Director

Stephen Bailey
Director

August 11, 2022
Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1a and b

Manager

August 12, 2022
Date:

ATTACHMENTS:

Attachment #1: SS4A NOFO, FY22

Office of the Secretary of Transportation
Notice of Funding Opportunity for the Safe Streets and Roads for All (SS4A) Discretionary Grant Opportunity
Amendment 1

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation (DOT or the Department)

ACTION: Notice of Funding Opportunity (NOFO), Assistance Listing # 20.939

SUMMARY: The purpose of this notice is to solicit applications for Safe Streets and Roads for All (SS4A) grants. Funds for the fiscal year (FY) 2022 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.[1]

DATES: Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022. Late applications will not be accepted.

ADDRESSES: Applications must be submitted through https://www.grants.gov/.

FOR FURTHER CONTACT INFORMATION: Please contact the SS4A grant program staff via email at SS4A@dot.gov, or call Paul Teicher at 202-366-4114. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on DOT's website at https://www.transportation.gov/SS4A. The deadline to submit technical questions is August 15, 2022.

[1]The term "pedestrians" is inclusive of all users of the pedestrian infrastructure, including persons with disabilities.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for SS4A grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

N/A	SUMMARY INFORMATION
A	PROGRAM DESCRIPTION
B	FEDERAL AWARD INFORMATION
C	ELIGIBILITY INFORMATION
D	APPLICATION AND SUBMISSION INFORMATION
E	APPLICATION REVIEW INFORMATION
F	FEDERAL AWARD ADMINISTRATION INFORMATION
G	FEDERAL AWARDING AGENCY CONTACTS
H	OTHER INFORMATION

Section A (Program Description) describes the Department's goals and purpose in making awards, and Section E (Application Review Information) describes how the Department will select from eligible applications. To support applicants through the process, the Department will provide technical assistance and resources at https://www.transportation.gov/SS4A.

DEFINITIONS

Term	Definition
Applicant's Jurisdiction(s)	The U.S. Census tracts where the applicant operates or performs their safety responsibilities. If an applicant is seeking funding for multiple jurisdictions, all of the relevant Census tracts for the jurisdictions covered by the application should be included.
Complete Streets	Standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, personal conveyance and micromobility users, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.[2]

[2] The definition is based on the "Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges," https://highways.dot.gov/newsroom/federal-highway-administration-details-efforts-advance-complete-streets-design-model

Term	Definition
Comprehensive Safety Action Plan	A comprehensive safety action plan (referred to as Action Plan) is aimed at preventing roadway fatalities and serious injuries in a locality, Tribe, or region. This can either be a plan developed with an Action Plan Grant, or a previously developed plan that is substantially similar and meets the eligibility requirements (e.g., a Vision Zero plan or similar plan).
Equity	The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
High Injury Network	Identifies the highest concentrations of traffic crashes resulting in serious injuries and fatalities within a given roadway network or jurisdiction.
Micromobility	Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.[3]

[3] Source: FHWA, Public Roads Magazine Spring 2021 "Micromobility: a Travel Innovation." Publication Number: FHWA-HRT-21-003

Term	Definition
Personal Conveyance	A personal conveyance is a device, other than a transport device, used by a pedestrian for personal mobility assistance or recreation. These devices can be motorized or human powered, but not propelled by pedaling.[4]
Political Subdivision of a State	A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, certain transit agencies, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State.
Rural	For the purposes of this NOFO, jurisdictions outside an Urbanized Area (UA) or located within Urbanized Areas with populations fewer than 200,000 will be considered rural. Lists of UAs are available on the U.S. Census Bureau website at http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/.
Safe System Approach	A guiding principle to address the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.[5],[6]

[4] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251, see page 127 for the full definition as defined in the 2020 FARS/CRSS Coding and Validation Manual.
[5] See: https://www.transportation.gov/NRSS/SafeSystem
[6] Safety culture can be defined as the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.

Term	Definition
Underserved Community	An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: U.S. Census tracts identified in this table **and corresponding map tool that visualizes the table**: • https://datahub.transportation.gov/stories/s/tsyd-k6ij and **https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a** • Any Tribal land; or • Any territory or possession of the United States.

A. Program Description

1. Overview

Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the "Bipartisan Infrastructure Law" or "BIL") authorized and appropriated $1 billion to be awarded by the Department of Transportation for FY 2022 for the SS4A grant program. This NOFO solicits applications for activities to be funded under the SS4A grant program. The FY22 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).[7]

The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community's approach to roadway safety and save lives and is designed to meet the needs of diverse local, Tribal, and regional communities that differ dramatically in size, location, and experience administering Federal funding.

2. Grant Types and Deliverables

The SS4A program provides funding for two types of grants: Action Plan Grants (for comprehensive safety action plans) and Implementation Grants. Action Plan Grants are used to develop, complete, or supplement a comprehensive safety action plan. To apply for an Implementation Grant, an eligible

[7] The priorities of Executive Order 14052, Implementation of the Infrastructure Investments and Jobs Act are: to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards and equal employment opportunity, strengthen infrastructure resilience to hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

applicant must have a qualifying Action Plan. Implementation Grants are available to implement strategies or projects that are consistent with an existing Action Plan. Applicants for Implementation Grants can self-certify that they have in place one or more plans that together are substantially similar to and meet the eligibility requirements for an Action Plan.

i. Action Plan Grants

An Action Plan is the foundation of the SS4A grant program. Action Plan Grants provide Federal funds to eligible applicants to develop or complete an Action Plan. Action Plan Grants may also fund supplemental Action Plan activities. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Further information on eligibility requirements is in Section C.

The primary deliverable for an Action Plan Grant is a publicly available Action Plan. For the purposes of the SS4A grant program, an Action Plan includes the components in Table 1. DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities.

Table 1: Action Plan Components

Component	Description
Leadership Commitment and Goal Setting	An official public commitment (e.g., resolution, policy, ordinance, etc.) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, MPO Policy Board, etc.) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following: (1) the target date for achieving zero roadway fatalities and serious injuries, OR (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.
Planning Structure	A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.

Component	Description
Safety Analysis	Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, people walking, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographic, and structural issues, etc.). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).
Engagement and Collaboration	Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practical.
Equity Considerations	Plan development using inclusive and representative processes. Underserved communities are identified through data and other analyses in collaboration with appropriate partners.[8] Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.

[8] An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative (https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf) and the Historically Disadvantaged Community designation, which includes U.S. Census tracts identified in this table **and mapping tool** https://datahub.transportation.gov/stories/s/tsyd-k6ij and **https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a**; any Tribal land; or any territory or possession of the United States.

Component	Description
Policy and Process Changes	Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.
Strategy and Project Selections	Identification of a comprehensive set of projects and strategies, shaped by data, the best available evidence and noteworthy practices, as well as stakeholder input and equity considerations, that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach, effective interventions, and consider multidisciplinary activities. To the extent practical, data limitations are identified and mitigated. Once identified, the list of projects and strategies is prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.
Progress and Transparency	Method to measure progress over time after an Action Plan is developed or updated, including outcome data. Means to ensure ongoing transparency is established with residents and other relevant stakeholders. Must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries, and public posting of the Action Plan online.

a) Supplemental Action Plan Activities:

Supplemental action plan activities support or enhance an existing Action Plan. To fund supplemental Action Plan activities through the SS4A program, an applicant must have an existing Action Plan, or a plan that is substantially similar and meets the eligibility requirements for having an existing plan. The

plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine whether an existing plan meets the eligibility requirements. Supplemental action plan activities could include, but are not limited to: a second round of analysis; expanded data collection and evaluation using integrated data; testing action plan concepts before project and strategy implementation; feasibility studies using quick-build strategies that inform permanent projects in the future (e.g., paint, plastic bollards, etc.); follow-up stakeholder engagement and collaboration; targeted equity assessments; progress report development; and complementary planning efforts such as speed management plans, accessibility and transition plans, racial and health equity plans, and lighting management plans. Additional information on supplemental action plan activities is located at https://www.transportation.gov/SS4A.

Applicants that have an existing plan that is substantially similar to and meets the eligibility requirements of an Action Plan may alternatively choose to fund supplemental Action Plan activities through an application for an Implementation Grant rather than an Action Plan Grant. See Section A.2.ii below.

ii. Implementation Grants

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund associated planning and design and supplemental Action Plan activities in support of an existing Action Plan. DOT encourages Implementation Grant applicants to include supplemental Action Plan activities in their application to further improve and update existing plans. Applicants must have an existing Action Plan to apply for Implementation Grants or have an existing plan that is substantially similar and meets the eligibility requirements of an Action Plan. If applicants do not have an existing Action Plan, they should apply for Action Plan Grants and **NOT** Implementation Grants. The plan components may be contained within several documents. Table 2 in Section C is a Self-Certification Eligibility Worksheet with instructions to determine eligibility to apply for an Implementation Grant. Additional information on eligibility requirements and eligible activities is in Section C below.

3. SS4A Grant Priorities

This section discusses priorities specific to SS4A and those related to the Department's overall mission, which are reflected in the selection criteria and NOFO requirements. Successful grant applications will demonstrate engagement with a variety of public and private stakeholders and seek to adopt innovative technologies and strategies to:

- Promote safety;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographic area;
- Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities;
- Incorporate evidence-based projects and strategies; and
- Align with the Department's mission and with priorities such as equity, climate and sustainability, quality job creation, and economic strength and global competitiveness.

The Department seeks to award Action Plan Grants based on safety impact, equity, and other safety considerations. For Implementation Grants, DOT seeks to make awards to projects and strategies that

save lives and reduce roadway fatalities and serious injuries; incorporate equity, engagement, and collaboration into how projects and strategies are executed; use effective practices and strategies; consider climate change, sustainability, and economic competitiveness in project and strategy implementation; and will be able to complete the full scope of funded projects and strategies within five years after the establishment of a grant agreement. Section D provides more information on the specific measures an application should demonstrate to support these goals.

The SS4A grant program aligns with both Departmental and Biden-Harris Administration activities and priorities. The National Roadway Safety Strategy (NRSS, issued January 27, 2022) commits the Department to respond to the current crisis in roadway fatalities by "taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways," in pursuit of the goal of achieving zero roadway deaths.[9] DOT recognizes that zero is the only acceptable number of deaths on our roads, and achieving that is our long-term safety goal. The outcomes that are anticipated from the SS4A program also support the FY 2022-2026 DOT Strategic Plan and the accompanying safety performance goals such as a medium-term goal of a two-thirds reduction in roadway fatalities by 2040.[10]

As part of the NRSS, the Department adopted the Safe System Approach as a guiding principle to advance roadway safety. The Safe System Approach addresses the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. For more information on the Safe System Approach, see the NRSS.

DOT encourages communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations.[11] A full transition to a Complete Streets design model requires leadership, identification and elimination of barriers, and development of new policies, rules, and procedures to prioritize safety. A Complete Street includes, but is not limited to: sidewalks, curb ramps, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts.[12] Recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way. See Section F.2 of this NOFO for program requirements.

The NOFO aligns with and considers Departmental policy priorities that have a nexus to roadway safety and grant funding. As part of the Department's implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund applications that, to the extent possible, target at least 40 percent of benefits towards low-income and underserved communities. DOT also seeks to award funds under the SS4A grant program that proactively address equity and barriers to opportunity, or redress prior inequities and barriers to opportunity. DOT supports the policies in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), to pursue a comprehensive approach to advancing equity for all, including people of color, rural communities, and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. An important area for DOT's focus is the disproportionate, adverse safety impacts that affect certain groups

[9] https://www.transportation.gov/NRSS
[10] https://www.transportation.gov/dot-strategic-plan
[11] Complete Streets are defined in the Definitions table at the beginning of the document.
[12] More information on Complete Streets can be found at https://highways.dot.gov/complete-streets

on our roadways, particularly people walking and biking in underserved communities. See Section F.2.i of this NOFO for equity-related program requirements.

As part of the United States' commitment to a whole-of-government approach to reaching net-zero emissions economy-wide by 2050 and a 50–52 percent reduction in emissions from 2005 levels by 2030, BIL and its associated transportation funding programs permit historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change. DOT's goal is to encourage the advancement of projects and strategies that address climate change and sustainability. To enable this, the Department encourages applicants to consider climate change and sustainability throughout the planning and project development process, including the extent to which projects and strategies under the SS4A grant program align with the President's greenhouse gas reduction, climate resilience, and environmental justice commitments.

The Department intends to use the SS4A grant program to support the creation of good-paying jobs with the free and fair choice to join a union, and the incorporation of strong labor standards and workforce programs, in particular registered apprenticeships, joint labor-management programs, or other high-quality workforce training programs, including high-quality pre-apprenticeships tied to registered apprenticeships, in project planning stages and program delivery. Grant applications that incorporate such considerations support a strong economy and labor market.

Consistent with the Department's Rural Opportunities to Use Transportation for Economic Success (ROUTES) initiative, the Department seeks to award funding to rural applications that address disproportionately high fatality rates in rural communities. For applicants seeking to use innovative technologies and strategies, the Department's Innovation Principles serve as a guide to ensure innovations reduce deaths and serious injuries while committing to the highest standards of safety across technologies.[13]

B. Federal Award Information

1. Total Funding Available

The BIL established the SS4A program with $5,000,000,000 in advanced appropriations in Division J, including $1,000,000,000 for FY 2022. Therefore, this Notice makes available up to $1 billion for FY 2022 grants under the SS4A program. Refer to Section D for greater detail on additional funding considerations and Section D.5 for funding restrictions.

2. Availability of Funds

Grant funding obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2022 SS4A grant awards, any costs incurred prior to DOT's obligation of funds for activities ("pre-award costs") are ineligible for reimbursement. All FY 2022 SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds.

3. Award Size and Anticipated Quantity

[13] https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles. Released January 6, 2022.

In FY 2022, DOT expects to award hundreds of Action Plan Grants, and up to one hundred Implementation Grants. The Department reserves the right to make more, or fewer, awards. DOT reserves the discretion to alter minimum and maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the SS4A grant priorities in Section A.3.

i. Action Plan Grants

For Action Plan Grants, award amounts will be based on estimated costs, with an expected minimum of $200,000 for all applicants, an expected maximum of $1,000,000 for a political subdivision of a State or a federally recognized Tribal government, and an expected maximum of $5,000,000 for a metropolitan planning organization (MPO) or a joint application comprised of a multijurisdictional group of entities that is regional in scope (e.g., a multijurisdictional group of counties, a council of governments and cities within the same region, etc.). The Department will consider applications with funding requests under the expected minimum award amount. DOT reserves the right to make Action Grant awards less than the total amount requested by the applicant.

Joint applications that engage multiple jurisdictions in the same region are encouraged, in order to ensure collaboration across multiple jurisdictions and leverage the expertise of agencies with established financial relationships with DOT and knowledge of Federal grant administration requirements. Applicants may propose development of a single Action Plan covering all jurisdictions, or several plans for individual jurisdictions, administered by the leading agency.

ii. Implementation Plan Grants

For Implementation Grants, DOT expects the minimum award will be $5,000,000 and the maximum award will be $30,000,000 for political subdivisions of a State. For applicants who are federally recognized Tribal governments or applicants in rural areas, DOT expects the minimum award will be $3,000,000 and the maximum award will be $30,000,000. For an MPO or a joint application comprised of a multijurisdictional group of entities that is regional in scope, the expected maximum award will be $50,000,000. For the purposes of the SS4A grant program award size minimum, rural is defined as an area outside an Urbanized Area (UA) or located within a UA with a population of fewer than 200,000.[14] DOT reserves the right to make Implementation Grant awards less than the total amount requested by the applicant.

4. Start Dates and Period of Performance

DOT expects to obligate SS4A award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after awards have been announced. Applicants who have never received Federal funding from DOT before are encouraged to partner with eligible applicants within the same region, such as an MPO, that have established financial relationships with DOT and knowledge of Federal grant administration requirements. While States are not eligible applicants and cannot be a co-applicant, eligible applicants are encouraged to separately partner with States and other entities experienced with administering Federal grants, outside of the SS4A grant award process, to ensure effective administration of a grant award. The expected period of

[14] Current lists of Urbanized Areas are available on the U.S. Census Bureau website at http://www2.census.gov/geo/maps/dc10map/uauc_refmap/ua/. For the purposes of the SS4A program, Urbanized Areas with populations fewer than 200,000 will be considered rural.

performance for Action Plan Grant agreements is between 12 and 24 months. The period of performance for Implementation Grant agreements may not exceed five years.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies.

5. Data Collection Requirements

Under the BIL, the Department shall post on a publicly available website best practices and lessons learned for preventing roadway fatalities and serious injuries pursuant to strategies or interventions implemented under SS4A. Additionally, DOT shall evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the SS4A grant program.[15] The Department intends to measure safety outcomes through a combination of grant agreement activities and data collections, DOT data collections already underway, and program evaluations separate from the individual grant agreements in accordance with Section F.3.iii. The grant data-collection requirements reflect the need to build evidence of noteworthy strategies and what works. The Department expects to use the data and outcome information collected as part of the SS4A in evaluations focused on before and after studies.

All award recipients shall submit a report that describes:

- The costs of each eligible project and strategy carried out using the grant;
- The roadway safety outcomes and any additional benefits (e.g., increased walking, biking, or transit use without a commensurate increase in crashes, etc.) that each such project and strategy has generated, as—
  - Identified in the grant application; and
  - Measured by data, to the maximum extent practicable; and
- The lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

All recipients must provide aggregated annual crash data on serious injuries and fatalities for the duration of the period of performance for the jurisdiction or jurisdictions for which funds were awarded. These data will provide the information for metrics on changes in serious injuries and fatalities over time. Implementation Grant recipients must also provide crash data on serious injury and fatalities in the locations where projects and strategies are implemented, which are expected to include crash characteristics and contributing factor information associated with the safety problems being addressed. Data that measure outcomes for the specific safety problems addressed are required and could include, but are not limited to, aggregated information by road user, safety issue, and demographic characteristics such as race and gender. For Implementation Grants that undertake projects and strategies to foster applied research and experimentation to inform project and strategy effectiveness, additional data collection requirements will be negotiated with the applicant before a grant agreement is established. Federally recognized Tribal governments receiving grants may request alternative data collection

[15] BIL specifically cites *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition* or any successor document, but DOT also is to consider applied research focused on infrastructure and operational projects and strategies.

requirements during grant agreement formulation, as appropriate. This information will be gathered on a quarterly basis in a Performance Progress Report (SF-PPR).[16]

To fulfill the data collection requirements and in accordance with the U.S. DOT Public Access Plan, award recipients must consider, budget for, and implement appropriate data management, for data and information outputs acquired or generated during the course of the grant.[17], [18] Applicants are expected to account for data and performance reporting in their budget submission.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for SS4A grants are (1) a metropolitan planning organization (MPO); (2) a political subdivision of a State or territory; (3) a federally recognized Tribal government; and (4) a multijurisdictional group of entities described in any of the aforementioned three types of entities. A multijurisdictional group of entities described in (4) should identify a lead applicant as the primary point of contact. For the purposes of this NOFO, a political subdivision of a State under (2), above, is defined as a unit of government under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State. States are not eligible applicants, but DOT encourages applicants to coordinate with State entities, as appropriate.

Eligible MPOs, transit agencies, and multijurisdictional groups of entities with a regional scope are encouraged to support subdivisions of a State such as cities, towns, and counties with smaller populations within their region. The Department strongly encourages such joint applications for Action Plan Grants, and for applicants who have never received Federal funding and can jointly apply with entities experienced executing DOT grants.

An eligible applicant for Implementation Grants must also meet at least one of these conditions: (1) have ownership and/or maintenance responsibilities over a roadway network; (2) have safety responsibilities that affect roadways; or (3) have agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction. For the purposes of this NOFO, an applicant's jurisdiction is defined as the U.S. Census tracts where the applicant operates or performs their safety responsibilities.

2. Cost Sharing or Matching

The Federal share of a SS4A grant may not exceed 80 percent of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. All matching funds must be from non-Federal sources. In accordance with 2 CFR § 200.306, grant recipients may use in-kind or cash contributions toward local match requirements so long as those contributions meet the requirements under 2 CFR § 200.306(b). Matching funds may include funding from the applicant, or other SS4A-eligible non-Federal sources partnering with the applicant, which could include, but is not limited to, funds from the State. Any in-kind contributions used to fulfill the cost-share requirement for Action Plan and Implementation Grants must: be in accordance with the cost

[16] https://www.sbir.gov/sites/default/files/SF%20PPR.pdf
[17] https://doi.org/10.21949/1520559
[18] United States. Department of Transportation. (2022) *DOT Public Access* [Home page]. https://doi.org/10.21949/1503647

principles in 2 CFR § 200 Subpart E; include documented evidence of completion within the period of performance; and support the execution of the eligible activities in Section C.4.

SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Grant agreements are expected to be administered on a reimbursement basis, and at the Department's discretion alternative funding arrangements may be established on a case-by-case basis.

3. Grant Eligibility Requirements

If an applicant is eligible for both an Action Plan Grant and an Implementation Grant, the applicant may only apply for an Action Plan Grant **or** an Implementation Grant, not both. An eligible applicant may only submit one application to the funding opportunity. Action Plan Grant funding recipients are not precluded from applying for Implementation Grants in future funding rounds.

i. Action Plan Grant Eligibility Requirements

The Action Plan Grant eligibility requirements are contingent on whether an applicant is requesting funds to develop or complete an Action Plan, or if the applicant is requesting funds for supplemental action plan activities. Applicants may not apply to develop or complete an Action Plan **and** fund supplemental action plan activities in the current round of funding.

a) Eligibility Requirements to Develop or Complete an Action Plan

Any applicant that meets the eligibility requirements may apply for an Action Plan Grant to develop or complete an Action Plan. Applicants with an existing Action Plan may also apply to develop a new Action Plan.

b) Eligibility Requirements for Supplemental Action Plan Activities

Applicants for Action Plan Grants to fund supplemental action plan activities must either have an established Action Plan with all components described in Table 1 in Section A, or an existing plan that is substantially similar and meets the eligibility requirements. Table 2 below provides instructions to determine eligibility for applicants that have a substantially similar plan. The components required for an established plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S. Code (U.S.C.) § 148, State Highway Safety Plans required in 23 U.S.C. § 402, etc.) or Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan. It is recommended that applicants include this eligibility worksheet as part of their narrative submission. If this Self-Certification Eligibility Worksheet is not used, applicants must describe how their established plan is substantially similar to an Action Plan as part of the Narrative, based on the criteria in Table 2 below.

Table 2: Self-Certification Eligibility Worksheet

Worksheet instructions: The purpose of the worksheet is to determine whether an applicant's existing plan is substantially similar to an Action Plan, or not. For each question below, answer yes or no. For each yes, cite the specific page in your existing Action Plan or other plan/plans that corroborate your response, provide supporting documentation, or provide other evidence. Refer to Table 1 for further details on each component. *Note*: The term Action Plan is used in this worksheet; it covers either a stand-alone Action Plan or components of other plans that combined comprise an Action Plan.

Instructions to affirm eligibility: Based on the questions in this eligibility worksheet, an applicant is eligible to apply for an Action Plan Grant that funds supplemental action plan activities, or an Implementation Grant, if the following two conditions are met:

- Questions 3, 7, and 9 are answered "yes." If Question 3, 7, or 9 is answered "no," the plan is not substantially similar and ineligible to apply for Action Plan funds specifically for a supplemental action plan activity, nor an Implementation Grant.
- At least four of the six remaining Questions are answered "yes" (Questions 1, 2, 4, 5, 6, or 8).

If both conditions are met, an applicant has a substantially similar plan.

Question	Response, Document and Page Number
1. Are both of the following true: • Did a high-ranking official and/or governing body in the jurisdiction publicly commit to an eventual goal of zero roadway fatalities and serious injuries? • Did the commitment include either setting a target date to reach zero, OR setting one or more targets to achieve significant declines in roadway fatalities and serious injuries by a specific date?	
2. To develop the Action Plan, was a committee, task force, implementation group, or similar body established and charged with the plan's development, implementation, and monitoring?	

Question	Response, Document and Page Number
3. Does the Action Plan include all of the following? • Analysis of existing conditions and historical trends to baseline the level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region; • Analysis of the location(s) where there are crashes, the severity, as well as contributing factors and crash types; • Analysis of systemic and specific safety needs is also performed, as needed (e.g., high risk road features, specific safety needs of relevant road users; and • A geospatial identification (geographic or locational data using maps) of higher risk locations.	
4. Did the Action Plan development include all of the following activities? • Engagement with the public and relevant stakeholders, including the private sector and community groups; • Incorporation of information received from the engagement and collaboration into the plan; and • Coordination that included inter- and intra- governmental cooperation and collaboration, as appropriate.	
5. Did the Action Plan development include all of the following? • Considerations of equity using inclusive and representative processes; • The identification of underserved communities through data; and • Equity analysis, in collaboration with appropriate partners, focused on initial equity impact assessments of the proposed projects and strategies, and population characteristics.	

Question	Response, Document and Page Number
6. Are both of the following true? • The plan development included an assessment of current policies, plans, guidelines, and/or standards to identify opportunities to improve how processes prioritize safety; and • The plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards.	
7. Does the plan identify a comprehensive set of projects and strategies to address the safety problems identified in the Action Plan, time ranges when the strategies and projects will be deployed, and explain project prioritization criteria?	
8. Does the plan include all of the following? • A description of how progress will be measured over time that includes, at a minimum, outcome data • The plan is posted publicly online.	
9. Was the plan finalized and/or last updated between 2017 and 2022?	

ii. Implementation Grant Eligibility Requirements

To apply for an Implementation Grant, the applicant must certify that they have an existing plan which is substantially similar to an Action Plan. The plan or plans should be uploaded as an attachment to your application. Use Table 2, Self-Certification Eligibility Worksheet, from the previous section to determine eligibility. The existing plan must be focused, at least in part, on the roadway network within the applicant's jurisdiction. The components required for an existing plan to be substantially similar to an Action Plan may be found in multiple plans. State-level action plans (e.g., a Strategic Highway Safety Plan required in 23 U.S.C. § 148, State Highway Safety Plans required in 23 U.S.C. § 402, Commercial Vehicle Safety Plans required in 49 U.S.C. § 31102, etc.) as well as Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan to apply for an Implementation Grant.

4. Eligible Activities and Costs

i. Eligible Activities

Broadly, eligible activity costs must comply with the cost principles set forth in with 2 CFR, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible activities for grant funding include the following three elements:

- (A) developing a comprehensive safety action plan or Action Plan (i.e., the activities outlined in Section A.2.i in Table 1 and the list of supplemental Action Plan activities);
- (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and
- (C) carrying out projects and strategies identified in an Action Plan.

For Action Plan Grants, eligible activities and costs only include those that directly assist in the development of the Action Plan, element (A), and/or supplemental action plan activities in support of an existing Action Plan or plans.

For Implementation Grants, activities *must* include element (C) "carrying out projects and strategies identified in an Action Plan," and *may* include element (B) "conducting planning, design, and development activities for projects and strategies identified in an Action Plan" and/or element (A) "supplemental action plan activities in support of an existing Action Plan." Projects and strategies identified in element (C) must be either infrastructure, behavioral, or operational activities identified in the Action Plan, and must be directly related to addressing the safety problem(s) identified in the application and Action Plan. Examples of eligible Implementation Grant activities are listed on the SS4A website located at www.transportation.gov/SS4A. The following activities are **not** eligible for element (C) "projects and strategies" funding:

- Projects and strategies whose primary purpose is not roadway safety.
- Projects and strategies exclusively focused on non-roadway modes of transportation, including air, rail, marine, and pipeline. Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings, etc.) are eligible activities.
- Capital projects to construct new roadways used for motor vehicles. New roadways exclusively for non-motorists is an eligible activity if the primary purpose is safety-related.
- Infrastructure projects primarily intended to expand capacity to improve Levels of Service for motorists on an existing roadway, such as the creation of additional lanes.
- Maintenance activities for an existing roadway primarily to maintain a state of good repair. However, roadway modifications on an existing roadway in support of specific safety-related projects identified in an Action Plan are eligible activities.
- Development or implementation of a public transportation agency safety plan (PTASP) required by 49 U.S.C. § 5329. However, a PTASP that identifies and addresses risks to pedestrians, bicyclists, personal conveyance and micromobility users, transit riders, and others may inform Action Plan development.

All projects and strategies must have equity—the consistent, fair, just, and impartial treatment of all people—at their foundation. This includes traffic enforcement strategies. As part of the Safe System Approach adopted in the USDOT's National Roadway Safety Strategy, any activities related to compliance or enforcement efforts to make our roads safer should affirmatively improve equity outcomes as part of a comprehensive approach to achieve zero roadway fatalities and serious injuries. The SS4A program can be used to support safety projects and strategies that address serious safety violations of drivers (e.g., speeding, alcohol and drug-impaired driving, etc.), so long as the proposed strategies are data-driven and demonstrate a process in alignment with goals around community policing and in accordance with Federal civil rights laws and regulations.[19]

Funds may not be used, either directly or indirectly, to support or oppose union organizing.

ii. Project and Strategy Location

For Implementation Grants, applications must identify the problems to be addressed, the relevant geographic locations, and the projects and strategies they plan to implement, based on their Action Plan or established plan. This should include specific intervention types to the extent practicable. To provide flexibility in the implementation of projects and strategies that involve systemic safety strategies or bundling of similar countermeasures, an applicant may wait to specify specific site locations and designs for the projects and strategies as part of executing the grant agreement, if necessary, upon approval of the Department and so long as the identified site locations and designs remain consistent with the intent of the award.

D. Application and Submission Information

1. Address to Request Application Package

All grant application materials can be accessed at grants.gov. Applicants must submit their applications via grants.gov under the Notice of Funding Opportunity Number cited herein. Potential applicants may also request paper copies of materials at:

Telephone: (202)-366-4114
Mail: U.S. Department of Transportation
1200 New Jersey Avenue SE
W84-322
Washington, DC 20590

2. Content and Form of Application Submission

The Action Plan Grant and Implementation Grant have different application submission and supporting document requirements.

i. Action Plan Grant Application Submissions

All Action Plan Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Non-Construction Programs (SF-424A)

[19] For one such example see https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf.

- Assurances for Non-Construction Programs (SF-424B)
- Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet, if applying for action plan supplemental activities; d) Map; and e) Budget. While it is not required to conform to the recommended templates below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

a) Key Information Table

Lead Applicant	
If Multijurisdictional, additional eligible entities jointly applying	
Total jurisdiction population	
Count of motor-vehicle-involved roadway fatalities from 2016 to 2020	
Fatality rate **per 100,000 persons**	
Action Plan Type	**New Action Plan** **Complete Action Plan** **Supplemental Planning Activities**
Population in Underserved Communities	
States(s) in which projects and strategies are located	
Costs by State (if project spans more than one State)	

Instructions for a):

- The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.
- If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, mark as not applicable.
- Total jurisdiction population is based on ~~2020~~ **2019** U.S. Census **American Community Survey (ACS)** data and includes the total population of all Census tracts where the applicant operates or performs their safety responsibilities.[20]

[20] **https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2019/**

- The count of roadway fatalities from 2016 to 2020 in the jurisdiction based on DOT's Fatality Analysis Reporting System (FARS) data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information.[21] This should be a number. Cite the source, if using a dataset different from FARS, with a link to the data if publicly available.
- The fatality rate, calculated using ~~the~~ **a 5-year annual** average from the total count of fatalities from 2016 to 2020 based on FARS data, an alternative traffic fatality dataset, or a comparable data set with roadway fatality information, which is divided by the population of the applicant's jurisdiction based on ~~2020~~ **2019** ~~U.S. Census~~ **ACS** population data. **The rate should be normalized to per 100,000 persons**.
- Check one of the three available boxes to the right of the column with the three Action Plan types: new Action Plan; Action Plan completion; or supplemental action plan activities.
- The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction. For multi-jurisdictional groups, provide this information **in aggregate as well as** for each jurisdiction in the group. **The population must be based on 2019 ACS data.**
- Note the State(s) of the applicants. If a federally recognized Tribal government, mark as not applicable.
- Allocate funding request amounts by State based on where the funds are expected to be spent. If the projects and strategies are located in only one State, put the full funding request amount.

b) Narrative

In narrative form, the applicant should respond to the Action Plan Grant selection criteria described in Section E.1.i to affirm whether the applicant has considered certain activities that will enhance the implementation of an Action Plan once developed or updated. The narrative must be no longer than 300 words.

b) Self-Certification Eligibility Worksheet

If applying for Action Plan Grant funding supplemental action plan activities, attach the filled out Table 2 Self-Certification Eligibility Worksheet. If applying to develop or complete an Action Plan, do not include Table 2.

c) Map

The applicant must submit a map that shows the location of the jurisdiction and highlights the roadway network under the applicant's jurisdiction. The permissible formats include: map web link (e.g., Google, Bing, etc.), PDF, image file, vector file, or shapefile.

d) Budget

[21] https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars. To query the FARS data see https://cdan.dot.gov/query. To query the FARS data see https://cdan.dot.gov/query. For the Census data visit https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html

Applicants are required to provide a brief budget summary and a high-level overview of estimated activity costs, as organized by all major cost elements. The budget only includes costs associated with the eligible activity (A) developing a comprehensive safety action plan and may include supplemental action plan activities. Funding sources should be grouped into two categories: SS4A Funding Federal share, and non-Federal share funds. The costs or value of in-kind matches should also be provided. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award. DOT requires applicants use SF-424A to provide this information.

ii. Implementation Grant Application Submissions

Implementation Grant applications must submit the following Standard Forms (SFs):

- Application for Federal Assistance (SF-424)
- Budget Information for Construction Programs (SF-424C)
- Assurances for Construction Programs (SF-424D)
- Disclosure of Lobbying Activities (SF-LLL)

In addition to the SFs above, the applicant must provide: a) Key Information; b) Narrative; c) Self-Certification Eligibility Worksheet; and d) Budget. While it is not required to conform to the recommended template in the Key Information Table below, it is strongly encouraged to provide the information using the specific structure provided in this NOFO.

a) Key Information Table

Application Name	
Lead Applicant	
If Multijurisdictional, additional eligible entities jointly applying	
Roadway safety responsibility	Ownership and/or maintenance responsibilities over a roadway network Safety responsibilities that affect roadways Have an agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction
Population in Underserved Communities	

Key Information Table

States(s) in which activities are located	
Costs by State	
Funds to Underserved Communities	
Cost total for eligible activity (A) supplemental action plan activities in support of an existing Action Plan	
Cost total for eligible activity (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan	
Cost total for eligible activity (C) carrying out projects and strategies identified in an Action Plan	
Action Plan or Established Plan Link	

Instructions for a)

- Provide a grant application name to accompany the grant application.
- The lead applicant is the primary jurisdiction, and the lead eligible entity applying for the grant.
- If the application is multijurisdictional, list additional eligible entities within the multijurisdictional group of entities. If a single applicant, leave blank.
- The roadway safety responsibility response should check one of the three answers to meet eligibility conditions.
- The population in Underserved Community Census Tracts should be a percentage number obtained by dividing the population living in Underserved Community Census tracts within the jurisdiction divided by the total population living in the jurisdiction. **The population must be based on 2019 ACS data.**[22]
- Identify State(s) in which the applicant is located in. If a federally recognized Tribal government, leave blank.
- The total amount of funds to underserved communities is the amount of spent in, and provide safety benefits to, locations in census tracts designated as underserved communities.
- For each State, allocate funding request amounts divided up by State based on where the funds are expected to be spent. If the applicant is located in in only one State, put the full funding request amount only.
- Provide a weblink to the plan that serves as the Action Plan or established plan that is substantially similar. This may be attached as a supporting PDF document instead; if so please write "See Supporting Documents."

b) Narrative

The Department recommends that the narrative follows the outline below to address the program requirements and assist evaluators in locating relevant information. The narrative may not exceed 10 pages in length, excluding cover pages and the table of contents. Key information, the Self-Certification Eligibility Worksheet, and Budget sections do not count towards the 10-page limit. Appendices may include documents supporting assertions or conclusions made in the 10-page narrative and also do not count towards the 10-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the narrative the relevance of each supporting document.

I. Overview	See D.2.ii.b.I
II. Location	See D.2.ii.b.II
III. Response to Selection Criteria	See D.2.ii.b.III and Section E.1.ii
IV. Project Readiness	See D.2.ii.b.IV

[22] **Use https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a to calculate the percentage of population in underserved community. Census data can be found at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2019/**

I. Overview

This section should provide an introduction, describe the safety context, jurisdiction, and any high-level background information that would be useful to understand the rest of the application.

II. Location

This section of the application should describe the jurisdiction's location, the jurisdiction's High-Injury Network or equivalent geospatial identification (geographic or locational data using maps) of higher risk locations, and potential locations and corridors of the projects and strategies. Note that the applicant is not required to provide exact locations for each project or strategy; rather, the application should identify which geographic locations are under consideration for projects and strategies to be implemented and what analysis will be used in a final determination.

III. Response to Selection Criteria

This section should respond to the criteria for evaluation and selection in Section E.1.ii of this Notice and include compelling narrative to highlight how the application aligns with criteria #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Sustainability, and Economic Competitiveness. Note, criterion #1 Safety Impact assesses "implementation cost" information, which will be described in SF-424C and the d) Budget of the narrative and does not need to be duplicated in this portion of the narrative.

The applicant must respond to each of the four criteria. Applicants are not required to follow a specific format, but the organization provided, which addresses each criterion separately, promotes a clear discussion that assists evaluators. To minimize redundant information in the application, the Department encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. To the extent practical, DOT encourages applicants to use and reference existing content from their Action Plan/established plan(s) to demonstrate their comprehensive, evidence-based approach to improving safety.

IV. Project Readiness

The applicant must provide information to demonstrate the applicant's ability to substantially execute and complete the full scope of work in the application proposal within five years of when the grant is executed, with a particular focus on design and construction, as well as environmental, permitting, and approval processes. Applicants should indicate if they will be seeking permission to use roadway design standards that are different from those generally applied by the State in which the project is located. As part of this portion of the narrative, the applicant must include a detailed activity schedule that identifies all major project and strategy milestones. Examples of such milestones include: State and local planning approvals; start and completion of National Environmental Policy Act and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; public involvement; partnership and implementation agreements; and construction. Environmental review documentation should describe in detail known project impacts, and possible mitigation for those impacts. When a project results in impacts, it is expected an award recipient will take steps to engage the public. For additional guidance and resources, visit www.transportation.gov/SS4A.

c) Self-Certification Eligibility Worksheet

Attach a completed Table 2: Self-Certification Eligibility Worksheet.

d) Budget

This section of the application should describe the budget for the SS4A proposal. Applicants are required to provide a brief budget summary and provide a high-level overview of estimated activity costs, as organized by all major cost elements. The budget should provide itemized estimates of the costs of the proposed projects and strategies at the individual component level. This includes capital costs for infrastructure safety improvements and costs associated with behavioral and operational safety projects and strategies. The section should also distinguish between the three eligible activity areas: (A) supplementing action plan activities in support of an existing Action Plan; (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and (C) carrying out projects and strategies identified in an Action Plan.

Funding sources should be grouped into two categories: SS4A funding Federal share, and non-Federal share funds. Estimated costs or value of in-kind matches should also be provided. The budget should show how each source of funds will be spent. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award and obligation because these expenses are not eligible for reimbursement or cost-sharing. If non-Federal share funds or in-kind contributions are from entities who are not the applicant, include commitment letters or evidence of allocated cost share as a supporting document. DOT requires applicants use form SF-424C, and the applicant must also provide the information in Table 3 below.

Table 3: Supplemental Estimated Budget

Subtotal Budget for (A) supplemental action plan activities;	**$0.00**
Itemized Estimated Costs of the (A) supplemental action plan activities	
Item #1	**$0.00**
Item #2	**$0.00**
Subtotal Budget for (B) conducting planning, design, and development activities	**$0.00**
Itemized Estimated Costs of the (B) planning, design, and development activities	
Item #1	**$0.00**
Item #2	**$0.00**
Item #3	**$0.00**
Subtotal Budget for (C) carrying out projects and strategies	**$0.00**

Itemized Estimated Costs of the (C) proposed projects and strategies	
Item #1	**$0.00**
Item #2	**$0.00**
Item #3	**$0.00**
Item #4	**$0.00**
Subtotal Funds to Underserved Communities	**$0.00**

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (i) be registered in SAM (https://sam.gov/content/home) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make an award, DOT may determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

4. Submission Dates and Times

Applications must be submitted by 5:00 PM EDT on Thursday, September 15, 2022.

5. Funding Restrictions

Per BIL requirements, not more than 15 percent of the funds made available to carry out the SS4A program in FY22 may be awarded to eligible applicants in a single State.[23] In addition, 40 percent of the total FY22 funds made available must be for developing and updating a comprehensive safety action plan, or supplemental action plan activities.

6. Other Submission Requirements

The format of the Section D.2 application submission should be in PDF format, with font size no less than 12-point Times New Roman, margins a minimum of 1 inch on all sides, and include page numbers.

The complete application must be submitted via grants.gov. In the event of system problems or the applicant experiences technical difficulties, contact grants.gov technical support via telephone at 1-800-518-4726 or email at support@grants.gov.

[23] Funding for Tribal lands will be treated as their own State and will not count toward a State's 15% limit.

E. Application Review Information

1. Selection Criteria

This section specifies the criteria DOT will use to evaluate and select applications for SS4A grant awards. The Department will review merit criteria for all applications. Each of the two grant types to be made available through the SS4A grant program, Action Plan Grant and Implementation Grant, will have its own set of application review and selection criteria.

i. Action Plan Grant Selection Criteria

For Action Plan Grants, the Department will use three evaluation criteria. The Department will evaluate quantitative data in two selection criteria areas: #1 Safety Impact; and #2 Equity. The Department will also assess the narrative for #3 Additional Safety Considerations. Costs will also be considered.

Selection Criterion #1: Safety Impact. The activities are in jurisdictions that will likely support a significant reduction or elimination of roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial operators, within the timeframe proposed by the applicant. The Department will assess safety impact using two quantitative ratings:

- The count of roadway fatalities from 2016 to 2020 based on DOT's FARS data, an alternative traffic crash dataset, or a comparable data set with roadway fatality information.[24]
- The fatality rate, which is calculating using ~~the~~ **5-year annual** average from the total count of fatalities from 2016 to 2020 (based on FARS data or an alternative traffic crash dataset) divided by the ~~2020~~ **2019** population of the applicant's jurisdiction based on ~~2020~~ **2019 ACS data** ~~U.S. Census population data~~. **The rate should be normalized to per 100,000 persons.**

Selection Criterion #2: Equity. The activities will ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries, including rural communities. The Department will assess the equity criterion using one quantitative rating:

- The percentage of the population in the applicant's jurisdiction that resides in an Underserved Community Census tract.[25] Population of a Census tract, either a tract that is Underserved Community or not, must be based on ~~2020~~ **2019 ACS data** ~~U.S. Census population data~~.

Selection Criterion #3: Additional Safety Considerations. The Department will assess whether the applicant has considered any of the following in the development of the Action Plan:

- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Engage with a variety of public and private stakeholders (e.g., inclusive community engagement, community benefit agreements, etc.);
- Seek to adopt innovative technologies or strategies to promote safety and equity; and

[24] https://cdan.dot.gov/query

[25] ~~https://usdot.maps.arcgis.com/apps/dashboards/d6f90dfcc8b44525b04c7ce748a3674a~~ **https://usdot.maps.arcgis.com/apps/dashboards/99f9268777ff4218867ceedfabe58a3a**

- Include evidence-based projects or strategies.

The applicant must address these considerations in narrative form.

Additional Consideration: Budget Costs

The Department will assess the extent to which the budget and costs to perform the activities required to execute the Action Plan Grant are reasonable based on 2 CFR § 200.404.

ii. Implementation Grant Selection Criteria

Implementation Grants have four merit criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; and #4 Climate Change and Economic Competitiveness. Two additional considerations will also be used in the selection process: Project Readiness, and Funds to Underserved Communities. The response to each criterion, to the extent practicable, should be aligned with the applicant's Action Plan. Below describes the specific content the applicant should respond to for each of these criteria.

Selection Criterion #1: Safety Impact. DOT will assess whether the proposal is likely to: significantly reduce or eliminate roadway fatalities and serious injuries; employ low-cost, high-impact strategies over a wide geographic area; and include evidence-based projects and strategies. Safety impact is the most important criterion and will be weighed more heavily in the review and selection process. The Department will assess the applicant's description of the safety problem, safety impact assessment, and costs as part of the Safety Impact criterion:

- Description of the safety problem. DOT will assess the extent to which:
  - The safety problem is described, including historical trends, fatal and serious injury crash locations, contributing factors, and crash types by category of road user.
  - Crashes and/or crash risk are displayed in a High-Injury Network, hot spot analysis, or similar geospatial risk visualization.
  - Safety risk is summarized from risk models, hazard analysis, the identification of high-risk roadway features, road safety audits/assessments, and/or other proactive safety analyses.

- Safety impact assessment. DOT will assess the extent to which projects and strategies:
  - Align with and address the identified safety problems.
  - Are supported by evidence to significantly reduce or eliminate roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial vehicle operators.
  - Use low-cost, high-impact strategies and projects that can improve safety over a wider geographical area.
  - Measure safety impact through models, studies, reports, proven noteworthy practices, Crash Modification Factors (CMF), and other information on project and strategy effectiveness.
  - Include a multi-disciplinary, systemic approach that relies on redundancies to reduce safety risks.
  - Will have safety benefits that persist over time.

- Implementation Costs. DOT will assess the extent to which projects and strategies are itemized and summarized, including capital costs for infrastructure, behavioral, and operational safety improvements.

Selection Criterion #2: Equity, Engagement, and Collaboration. This criterion supports the legislative requirements to assess the extent to which the application ensures the equitable investment in the safety needs of underserved communities, and demonstrates engagement with a variety of public and private stakeholders. The response to this criterion should focus on equity, engagement, and collaboration in relation to the implementation of the projects and strategies. DOT will assess the extent to which projects and strategies:

- Ensure equitable investment in underserved communities in preventing roadway fatalities and serious injuries, including rural communities.
- Are designed to decrease existing disparities identified through equity analysis.
- Consider key population groups (e.g., people in underserved communities, children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality) to ensure the impact to these groups is understood and addressed.
- Include equity analysis, both quantitative and qualitative, and stakeholder engagement in underserved communities as part of the development and implementation process.
- Include meaningful engagement with the public, including public involvement for underserved communities, community benefit agreements, and relevant stakeholders such as private sector and community groups, as part of implementation.
- Leverage partnerships within their jurisdiction, with other government entities, non-governmental organizations, the private sector, academic institutions, and/or other relevant stakeholders to achieve safety benefits while preventing unintended consequences for persons living in the jurisdiction.
- Inform representatives from areas impacted on implementation progress and meaningfully engage over time to evaluate the impact of projects and strategies on persons living in the jurisdiction.
- Align with the equity analysis performed as part of the development of an existing Action Plan.

Selection Criterion #3: Effective Practices and Strategies. DOT will assess the extent to which the application employs low-cost, high-impact strategies that can improve safety over a wide geographical area, includes evidence-based projects or strategies that improve safety, and seeks to adopt innovative technologies or strategies to promote safety and equity. The response to this criterion needs to address, at a minimum, one of the four effective practices and strategies from the list below, which includes: create a safer community; Safe System Approach; Complete Streets; and innovative practices and technologies. If the applicant responds to more than one of the four options, the option that is rated highest in the review process will be used for the rating of this criterion.

- Create a safer community. DOT will assess the extent to which the projects and strategies:
  - Establish basic, evidence-based roadway safety infrastructure features, including but not limited to sidewalks and separated bicycle lanes.

- Improve safety for all road users along a roadway network using proposed Public-Rights-of-Way Accessibility Guidelines (PROWAG).[26]
- Use evidence-based, proven, and effective safety countermeasures to significantly improve existing roadways.[27]
- Use evidence-based Countermeasures that Work with four or five stars to address persistent behavioral safety issues and consider equity in their implementation.[28]
- Apply systemic safety practices that involve widely implemented improvements based on high-risk roadway features correlated with particular severe crash types.

- Safe System Approach. DOT will assess the extent to which the projects and strategies:
  - Encompass at least two of the five safety elements in the National Roadway Safety Strategy (Safer People, Safer Roads, Safer Speeds, Safer Vehicles, and Post-Crash Care). This may include a mix of infrastructure, behavioral, and operational safety projects and strategies.
  - Create a transportation system that accounts for and mitigates human mistakes.
  - Incorporate data-driven design features that are human-centric, limit kinetic energy, and are selected based on the physical limits of people's crash tolerances before injury or death occurs.
  - Support actions and activities identified in the Department's National Roadway Safety Strategy that are evidence-based.

- Complete Streets. DOT will assess the extent to which the projects and strategies:
  - Account for the safety of all road users in their implementation through evidence-based activities.
  - Are supported by an existing Complete Streets Policy that prioritizes safety in standard agency procedures and guidance or other roadway safety policies that have eliminated barriers to prioritizing the safety of all users, or includes supplemental planning activities to achieve this. Consider the management of the right of way using a data-driven approach (e.g., delivery access, features that promote biking and micromobility, electric vehicle charging infrastructure, etc.).
  - Improve accessibility and multimodal networks for people outside of a motor vehicle, including people who are walking, biking, rolling, public transit users, and have disabilities.
  - Incorporate the proposed PROWAG, and any actions in an established the American with Disabilities Act Transition Plan to correct barriers to individuals with disabilities.

- Innovative practices and technologies. DOT will assess the extent to which the projects and strategies:
  - Incorporate practices that promote efficiency within the planning and road management lifecycle (e.g., dig once, etc.).
  - Integrate additional data beyond roadway and crash information to inform implementation and location, such as data on the built environment.

[26] https://www.access-board.gov/prowag/
[27] https://safety.fhwa.dot.gov/provencountermeasures/
[28] https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th_080621_v5_tag.pdf

- Foster applied, data-driven research and experimentation to inform project and strategy effectiveness, including but not limited to participation in a sanctioned Manual on Uniform Traffic Control Devices experimentation, research to inform Proven Safety Countermeasures or Countermeasures that Work, and/or research that measures the effectiveness of multidisciplinary activities.
- Adopt innovative technologies or practices to promote safety and equity. These could include infrastructure, behavioral, operational, or vehicular safety-focused approaches.

Selection Criterion #4: Climate Change and Sustainability, and Economic Competitiveness. This program's focus on equity and safety are also advanced by considerations of how applications address climate and sustainability considerations, as well as whether applications support economic competitiveness. DOT will assess the extent to which the projects and strategies use safety strategies to support the Departmental strategic goals of climate change and sustainability, and economic strength and global competitiveness, and the extent to which the proposal is expected to:

- Reduce motor vehicle-related pollution such as air pollution and greenhouse gas emissions.
- Increase safety of lower-carbon travel modes such as transit and active transportation.
- Incorporate lower-carbon pavement and construction materials.
- Support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions.
- Includes storm water management practices and incorporates other climate resilience measures or feature, including but not limited to nature-based solutions that improve built and/or natural environment while enhancing resilience.
- Lead to increased economic or business activity due to enhanced safety features for all road users.
- Increase mobility and expand connectivity for all road users to jobs and business opportunities, including people in underserved communities.
- Improve multimodal transportation systems that incorporate affordable transportation options such as public transit and micromobility.
- Demonstrate a plan or credible planning activities and project delivery actions to advance quality jobs, workforce programs, including partnerships with labor unions, training providers, education institutions, and hiring policies that promote workforce inclusion.
- Result in high-quality job creation by supporting good-paying jobs with a free and fair choice to join a union, incorporate strong labor standards (e.g., wages and benefits at or above prevailing; use of project labor agreements, registered apprenticeship programs, pre-apprenticeships tied to registered apprenticeships, etc.), and/or provide workforce opportunities for historically underrepresented groups (e.g., workforce development program, etc.).

Additional Consideration: Project Readiness

Applications rated as "Highly Recommended" or "Recommended" based on the selection Criteria 1 through 4 will be reviewed for Project Readiness, which will be a consideration for application selection. Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Implementation Grant application within five (5) years of when the grant is executed. This includes information related to required design and construction standards, as well

as environmental, permitting, and approval processes. DOT will evaluate the extent to which the application:

- Documents all applicable local, State, and Federal requirements.
- Includes information on activity schedule, required permits and approvals, the National Environmental Policy Act (NEPA) class of action and status, State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) status, public involvement, right-of-way acquisition plans, procurement schedules, multi-party agreements, utility relocation plans and risk and mitigation strategies, as appropriate.
- Is reasonably expected to begin any construction-related projects in a timely manner consistent with all applicable local, State, and Federal requirements.

Additional Consideration: Funds to Underserved Communities.

The percentage of Implementation Grant funds that will be spent in, and provide safety benefits to, locations in census tracts designated as underserved communities as defined by this NOFO will be considered as part of application selection.[29] DOT will use this information in support of the legislative requirement to ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries. Higher percentages of funding to underserved communities will be generally viewed favorably by DOT, and the Department encourages applicants to leverage project and strategy activities to the extent practical and in alignment with the safety problems identified in an Action Plan.

2. Review and Selection Process

This section addresses the BIL requirement to describe the methodology for evaluation in the NOFO, including how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating. The SS4A grant program review and selection process consists of eligibility reviews, merit criteria review, and Senior Review. The Secretary makes the final selections.

i. Action Plan Grant Review and Selection Process

The process for the application plan review is described below:

- Teams of Department and contractor support staff review all applications to determine eligibility based on the eligibility information in Section C.
- Eligible Action Plan applications received by the deadline will be reviewed for their merit based on the selection criteria in Section E.1.i.
- Applications are scored numerically based on Merit Criteria #1 Safety Impact and #2 Equity Criteria.

[29] An underserved community as defined for this NOFO is consistent with the Office of Management and Budget's Interim Guidance for the Justice40 Initiative and the Historically Disadvantaged Community designation, which includes: U.S. Census tracts identified in this table https://datahub.transportation.gov/stories/s/tsyd-k6ij; any Tribal land; or any territory or possession of the United States.

- The #3 Additional Safety Considerations criterion narrative will be reviewed and assessed as either "qualified," meaning the application addresses the criterion at least in part, or "not qualified," meaning the application does not address the criterion. Applications that do not address the #3 Additional Safety Considerations and are deemed "not qualified" will not be considered.
- Action Plan Grant applications to develop or complete a new Action Plan will be noted and prioritized for funding.
- In order to ensure that final selections will meet the statutory requirement that no more than 15 percent of program funds may be awarded to eligible applicants in one State, applications will have their State location denoted. Tribal awards are not counted towards this 15 percent maximum.
- The Teams will examine the locations of the applicants to identify if multiple applicants requested funding for the same jurisdiction. DOT reserves the right to request applicants with duplicative funding requests consolidate their efforts as one multijurisdictional group prior to receiving an award, and may decline to fund duplicative applications irrespective of their individual merits.

ii. Implementation Grant Review and Selection Process

a) Overall Selection Process and Ratings

Teams of Department and contractor support staff review all applications to determine whether they are eligible applicants based on the eligibility information in Section C. All eligible Implementation Grant applications received by the deadline will be reviewed and receive ratings for each of these criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Climate Change and Sustainability, and Economic Competitiveness. Based on the criteria ratings, an overall application rating of "Highly Recommended," "Recommended," "Acceptable," or "Not Recommended" will be assigned. Criterion #1, Safety Impact, will be weighted most heavily.

Overall "Highly Recommended" Application Rating Scenarios

Selection Criteria	**Scenario (a) Criteria Rating**	**Scenario (b) Criteria Rating**
#1 Safety Impact	High	Medium
#2 Equity, Engagement, and Collaboration	Medium or High	High
#3 Effective Practices and Strategies	Medium or High	High
#4 Climate Change Sustainability, and Economic Competitiveness	Low, Medium, or High	High

Overall Rating	Highly Recommended	Highly Recommended

Overall "Recommended" Rating Scenarios

Selection Criteria	**Scenario (c) Criteria Rating**	**Scenario (d) Criteria Rating**
#1 Safety Impact	High	Medium
#2 Equity, Engagement, and Collaboration	At least one Low	One Medium and One High or Two Medium
#3 Effective Practices and Strategies	At least one Low	One Medium and One High or Two Medium
#4 Climate Change and Sustainability, and Economic Competitiveness	Low, Medium, or High	Low, Medium, or High
Overall Rating	Recommended	Recommended

Overall "Acceptable" and "Not Recommended" Rating Scenarios

Selection Criteria	**Scenario (e) Criteria Rating**	**Scenario (f) Criteria Rating**
#1 Safety Impact	Low	Any are determined Non-Responsive
#2 Equity, Engagement, and Collaboration	Low, Medium, or High	Any are determined Non-Responsive
#3 Effective Practices and Strategies	Low, Medium, or High	Any are determined Non-Responsive
#4 Climate Change and Sustainability, and Economic Competitiveness	Low, Medium, or High	Any are determined Non-Responsive
Overall Rating	Acceptable	Not Recommended

b) Safety Impact Criterion Rating Methodology

For the #1 Safety Impact criterion, the Department will assess three subcomponents to determine a result in an overall rating of "high," "medium," and "low," or "non-responsive." The three subcomponents are: the description of the safety problem; the safety impact assessment; and the implementation costs.

The description of the safety problem sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The narrative and supporting information demonstrate the proposal is addressing a substantial safety problem. The narrative is well-articulated and is strongly supported by data and analysis.	The narrative and supporting information demonstrate the proposal is addressing an existing safety problem. Narrative articulates the description, is generally supporting by data and analysis.	The narrative and supporting information demonstrate the proposal is addressing a safety problem more minor in scope. The narrative is not well-articulated, and the supporting data and analysis are limited.	The narrative and supporting information do not address a safety problem.

The safety impact assessment sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The projects and strategies have strong potential to address the safety problem. The projects and strategies proposed are highly effective, based on evidence, use a systemic approach, and have benefits that persist over time.	The projects and strategies address the safety problem. Most of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, and have benefits that persist over time.	The projects and strategies address the safety problem to a limited degree. Some or none of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, or have benefits that persist over time.	The projects and strategies do not address the safety problem.

The implementation costs sub-rating will use the guidelines below:

	High	Medium	Low	Non-responsive
Rating Scale	The costs for the implementation of the projects and strategies are clearly articulated and summarized. ~~Future costs are well described.~~ The quantity and quality of the projects and strategies in relation to the cost amounts strongly indicate the costs are reasonable.	The costs for the implementation of the projects and strategies are summarized. ~~Future costs are described.~~ The quantity and quality of the projects and strategies in relation to the cost amounts seem to indicate the costs are reasonable.	The costs for the implementation of the projects and strategies are not well-articulated or missing key details. ~~Future costs are minimally or not described.~~ Based on the limited quantity and/or quality of the projects and strategies in relation to the cost amounts, the cost reasonableness is uncertain.	Cost information is not provided.

The three sub-ratings for the #1 Safety Criterion (the description of the safety problem; the safety impact assessment; and the implementation costs) will be combined and scored using the following rating system to determine if the overall rating for the Safety Criterion is "High," "Medium," "Low," or "Non-Responsive."

Safety Criterion Sub-Rating Scores	**Overall Safety Criterion Rating**
At least two "high", no "low", no "non-responsive"	High
No "low", no "non-responsive," or does not meet the High criterion	Medium
No "high", at least one "low", no "non-responsive," or does not meet the Medium criterion	Low
Any "non-responsive"	Non-Responsive

c) Other Criteria Rating Methodology

For the merit criteria #2 Equity, Engagement, and Collaboration, #3 Effective Practices and Strategies, and #4 Climate Change and Economic Competitiveness, the Department will consider whether the application narrative is clear, direct, responsive to the selection criterion focus areas, and logical, which will result in a rating of "high, "medium," "low," or "non-responsive."

	High	Medium	Low	Non-Responsive
Rating Scale	The application is substantively responsive to the criteria, with clear, direct, and logical narrative.	The application is moderately responsive to the criteria, with mostly clear, direct, and logical narrative.	The application is minimally responsive to the criteria and is somewhat addressed in the narrative.	The narrative indicates the proposal is counter to the criteria, or does not contain sufficient information

"Highly Recommended" and "Recommended" applications will receive a Project Readiness evaluation, as described below. The reviewers will use the application materials outlined in Section D to assess the applicant's Project Readiness and will provide a rating of either "Very Likely," "Likely," or "Unlikely."

	Very Likely	Likely	Unlikely
Rating Scale	Based on the information provided in the application and the proposed scope of the projects and strategies, it is very likely the applicant can complete all projects and strategies within a five-year time horizon.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is probable the applicant can complete all projects and strategies within a five-year time horizon.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is uncertain whether the applicant can complete all projects and strategies within a five-year time horizon.

iii. Senior Review Team Phase

a) Action Plan Grant Senior Review Team Phase

For the Action Plan Grants, the Secretary will set thresholds for each of the three quantitative criteria ratings based on their distribution, the number of applicants, and the availability of funds. Eligible applicants who meet or exceed the threshold in any of the three criteria will be offered Action Plan Grant award funding. A composite rating of the three criteria will not be made, and each criterion will be considered separately. Based on the overall application pool, available funding, and legislative requirements, the Secretary reserves the discretion to set the threshold(s) most advantageous to the U.S. Government's interest. The Secretary will consult with a Senior Review Team (SRT) to make the threshold determinations. Additionally, the Secretary may choose to prioritize Action Plan Grants that are developing or completing an Action Plan over Action Plan Grant applications focused on supplemental action plan activities because an Action Plan is a prerequisite to applying for Implementation Grants in future NOFOs.

b) Implementation Grant Senior Review Team Phase

Once every Implementation Grant application has been assigned an overall rating based on the methodology above, all "Highly Recommended" applications will be included in a list of Applications for Consideration. The SRT will review whether the list of "Highly Recommended" applications is sufficient to ensure that no more than 15 percent of the FY 2022 funds made available are awarded to eligible applicants in a single State. "Recommended" applications may be added to the proposed list of Applications for Consideration until a sufficient number of applications are on the list to ensure that all

the legislative requirements can be met and funding would be fully awarded. "Recommended" applications with a "High" Safety Impact Criterion rating will be prioritized and considered first. If that produces an insufficient list, "Recommended" applications with a "Medium" Safety Impact Criterion rating and a "High" rating for the Equity, Engagement, and Collaboration Criterion will also be considered. The SRT will also review all "Highly Recommended" applications that received an "Unlikely" project readiness rating, and either remove those applicants from the Applications for Consideration, OR recommend a reduced scope to minimize the risk the applicant will not complete the scope of work within five years of the grant agreement execution.

Additionally, to ensure the funding awards align to the extent practicable to the program goal of equitable investment in the safety needs of underserved communities, the SRT may review "Recommended" applications and set a threshold based on the percentage of funds that will be spent in, and provide safety benefits to, locations within underserved communities. Any "Recommended" applications at or above that threshold will be included in the proposed list of Applications for Consideration.

For each grant type, the SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced awards, and the Secretary makes final selections. The Secretary's selections identify the applications that best address program requirements and are most worthy of funding.

3. Additional Information

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to providing assistance to help award recipients through the process of securing a grant agreement and delivering both Action Plan activities and Implementation Grant projects and strategies. Award recipients are encouraged to identify any needs for assistance in delivering the Implementation Grant projects and strategies so that DOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at www.transportation.gov/SS4A. The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the SF-424 to initiate negotiation of a grant agreement.

2. Administrative and National Policy Requirements

i. Equity and Barriers to Opportunity

Each applicant selected for SS4A grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Award recipients that have not sufficiently addressed equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).[30]

ii. Labor and Workforce

Each applicant selected for SS4A grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards as described in Section A. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

As expressed in section A, equal employment opportunity is an important priority. The Department wants to ensure that sponsors have the support they need to meet requirements under EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended). All Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color.[31] Projects over $35 million shall meet the requirements in Executive Order 14063, Use of Project Labor Agreements for Federal Construction Projects (87 FR 7363).

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. Through the program, OFCCP offers contractors and subcontractors extensive compliance assistance, conducts compliance evaluations, and helps to build partnerships between the project sponsor, prime contractor, subcontractors, and relevant stakeholders. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of federally assisted projects over which OFCCP has jurisdiction and that have a project cost above

[30] An illustrative example of how these requirements are applied to recipients can be found here: https://cms.buildamerica.dot.gov/buildamerica/financing/infra-grants/infra-fy21-fhwa-general-terms-and-conditions
[31] https://www.dol.gov/sites/dolgov/files/ofccp/ParticipationGoals.pdf

$35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award. Under that partnership, OFCCP will ask these project sponsors to make clear to prime contractors in the pre-bid phase that project sponsor's award terms will require their participation in the Mega Construction Project Program. Additional information on how OFCCP makes their selections for participation in the Mega Construction Project Program is outlined under "Scheduling" on the Department of Labor website: https://www.dol.gov/agencies/ofccp/faqs/construction-compliance.

iii. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for SS4A grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities. Award recipients that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving Implementation Grant funds for construction, consistent with Presidential Policy Directive 21, Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

Award recipients shall also consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (80 FR 6425).

iv. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable.

v. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR § 200, Subpart F, as adopted by the Department at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration, etc.) administering the activities will apply to the activities that receive SS4A grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway and transit grant programs. DOT anticipates grant recipients to have varying levels of experience administering Federal funding agreements and complying with Federal requirements, and DOT will take a risk-based approach to SS4A program grant agreement administration to ensure compliance with all applicable laws and regulations.

The Department will also provide additional technical assistance and support resources to first-time DOT funding recipients and those who request additional support, as appropriate. With respect to highway projects, except as otherwise noted in this NOFO, please note that these grants are not required

to be administered under Title 23 of the U.S.C., which establishes requirements that are generally applicable to funding that is provided by formula to State departments of transportation[32]. Therefore, the administration and implementation of SS4A grants should be more streamlined for the entities that are eligible for SS4A awards.

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Infrastructure projects are subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927) as clarified in OMB Memorandum M-22-11.[33] The Department expects all recipients to be able to complete their projects without needing a waiver. However, to obtain a waiver, a recipient must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act, as implemented by OMB, and any awards will contain the award terms specific in M-22-11.

SS4A award recipients should demonstrate compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements. ~~Additionally, to the extent practicable, Implementation Grants must adhere to the proposed Public Rights-of-Way Accessibility Guidelines.~~[34] The Department's and the applicable Operating Administrations' Office**s** of Civil Rights ~~may~~ **will** work with awarded grant recipients **as appropriate** to ensure full compliance with Federal civil rights requirements.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

[32] Please note that some title 23 requirements apply regardless of funding source. In particular, projects involving routes on the National Highway System must meet the applicable design standards at 23 CFR part 625.
[33] Pub. L. No. 117-58, division. G, Title IX, Subtitle A, 135 Stat. 429, 1298 (2021). For additional information on § 70914, see OMB-22-11. https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf
[34] ~~https://www.access-board.gov/prowag/~~

3. Reporting

i. Progress Reporting on Grant Activity

Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the SF-425 (also known as the Federal Financial Report or SF-FFR).[35]

ii. Post Award Reporting Requirements/Reporting of Matters Related to Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No.110–417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 111–212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

iii. Program Evaluation

As a condition of grant award, SS4A grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency" (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR §200).

[35] https://www.grants.gov/forms/post-award-reporting-forms.html

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at SS4A@dot.gov. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at www.transportation.gov/SS4A. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the SS4A grant selection and award process upon request.

H. Other Information

1. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations. The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

2. Department Feedback on Applications

The Department will not review applications in advance, but Department staff are available for technical questions and assistance. The deadline to submit technical questions is August 15, 2022. The Department strives to provide as much information as possible to assist applicants with the application process. Unsuccessful applicants may request a debrief up to 90 days after the selected funding recipients are publicly announced on transportation.gov/SS4A. Program staff will address questions to SS4A@dot.gov throughout the application period.

3. Rural Applicants

User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at www.transportation.gov/rural.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: SPLOST 2020 Project #02 Affordable Housing: Added Financial Commitment for North Downtown Athens Redevelopment Project

DATE: August 29, 2022

BUDGET INFORMATION:

REVENUES:	$4,100,000	Additional commitment from NDA partnership
	$4,000,000	Tentative Ga Dept. of Community Affairs grant
	$400,000	Anticipated additional interest savings if DCA grant is successful (unassigned)
	$1,733,333	ACCGov American Rescue Plan Act (ARPA) funds: Affordable Housing
	$1,733,333	ACCGov American Rescue Plan Act funds: Contingency
	$1,733,334	ACCGov SPLOST 2020 Project #2, Affordable Housing
	$13,700,000	
EXPENSES:	$13,700,000	Additional commitment required to meet current project gap

FUNDING SOURCE: ACCGov American Rescue Plan Act (ARPA) funds: Affordable Housing
ACCGov American Rescue Plan Act funds: Contingency
ACCGov SPLOST 2020 Project #2, Affordable Housing

COMMISSION ACTION REQUESTED ON: September 6, 2022

PURPOSE:

To request that the Mayor and Commission:

a) Award ACCGov ARPA State and Local Recovery Funds (SLRF) funds to the Athens Housing Authority in the amount of $4,000,000 for the North Athens Downtown Redevelopment Project from the following sources:
   - Up to $4,000,000 of ARPA SLRF from the "Affordable Housing" allocation;

b) Direct the Attorney to develop the required subrecipient agreement for the above ARPA funding award for future M&C ratification;

c) Authorize the Mayor, Manager, and appropriate staff to execute all necessary project-related documents.

HISTORY:

1. On February 2, 2018, at the direction of the Mayor & Commission (M&C), Unified Government of Athens-Clarke County (ACCGov) Manager Blaine Williams met with the Athens Housing Authority (AHA) Board at their annual retreat to discuss the potential to

partner on a transformational project, given AHA's experience and the specialized nature of developing affordable housing.

2. On January 4, 2019, the Athens-Clarke County Team of the Georgia Initiative for Community Housing (GICH) presented to the 2020 SPLOST Citizens Advisory Committee a request for 2020 SPLOST funds for the purpose of developing a mixed income affordable housing community that may also include mixed-use development.

3. On January 17, 2019, Bethel Midtown Village was announced for sale.

4. On March 14, 2019, the partnership of AHA, Columbia Residential, and Jonathan Rose Company learned their collective bid for the purchase of Bethel Midtown Village was accepted. This partnership ultimately becomes North Downtown Athens Phase 1, LP, referenced as the "Partnership" going forward.

5. On August 6, 2019, the M&C approved the SPLOST 2020 projects list; adopted a resolution calling for a referendum on November 5, 2019 for the imposition of SPLOST to begin on April 1, 2020 and issuance of general obligation debt in conjunction with the SPLOST 2020 Program in a total principal amount not to exceed $127,000,000.

6. On October 1, 2019, the M&C approved a Memorandum of Understanding with the AHA that should the SPLOST 2020 referendum pass, ACCGov would provide from SPLOST 2020 Affordable Housing Project 02 budget approximately $39,000,000 toward governmentally-owned components of the North (Downtown) Athens Development Project or infrastructure supporting the project.

7. On October 2, 2019, the M&C and AHA Board held a joint meeting in the Planning Auditorium. A statement was released in the wake of that meeting:

   "The North (Downtown) *Athens Project is planned to consist of the redevelopment of the 12-acre site currently known as Bethel Midtown Village at 105 and 155 Hickman Drive and may include adjacent areas.*

   The North (Downtown) *Athens Project would include a mixture of housing types, land uses, and density as part of a mixed-use/mixed income development.*

   The MOU agrees to provide funding for the North Athens Project through $39 million from the $44.5 million Affordable Housing Project included in the SPLOST 2020 program, if passed by voters on November 5, 2019.

   These funds would be used for governmentally-owned components of the North (Downtown) *Athens Project or infrastructure supporting it. This may take the form of direct expenditures by ACCGov in public infrastructure such as streets, curbing, sidewalks, lighting, utilities, public parking facilities, parks, recreation facilities, and other public facilities or to AHA to expend in support of providing affordable*

housing such as interests in land, public parking, and investment in affordable housing facilities for this project.

8. On November 5, 2019, the SPLOST 2020 Program was approved by referendum by the voters of Athens-Clarke County. The Program will collect $314,303,300 over a twelve-year period and can include the issuance of general obligation debt in the principal amount of $127,000,000. The Program included a budgeted amount of $44,500,000 for Project No. 02, Affordable Housing Project.

9. On January 7, 2020, the M&C approved an Intergovernmental Agreement ("IGA #1") with the AHA for Master Planning Services for the North Downtown Athens Development Project in the amount of $450,500.

10. On February 3, 2020, the partnership of Columbia Residential and Jonathan Rose completed the purchase of Bethel Midtown Village and Columbia Residential Property Management took over management responsibilities. The AHA purchase of the property was pending the approval of an intergovernmental agreement with ACCGov and subsequent transfer of SPLOST 2020 Affordable Housing Project funds for those purposes.

11. On February 4, 2020, the M&C adopted a bond resolution authorizing the issuance of Series 2020 SPLOST Bonds to provide $32,200,000 for specific projects, and established the SPLOST 2020 Capital Projects Fund, as well as budgets for Project 01 Facilities Space Modernization ($77,900,000), Project 02 Affordable Housing ($44,500,000), and Project 03 Classic Center Arena ($34,000,000). In this approved bond issuance, approximately $25,000,000 was intended for the Affordable Housing Project.

12. On May 12, 2020, at the regularly scheduled M&C work session, representatives from the AHA and Columbia Residential presented a "North Downtown Athens Transformation Update."

13. On June 10, 2020, ACCGov approved an Intergovernmental Agreement ("IGA #2") with the AHA approving use of $18,000,000 in funds from SPLOST 2020 Project 02 for the purchase of the Bethel Midtown Village Property.

14. On November 19, 2020, Manager Williams selected the User Group Members who would help ensure ACCGov long term goals are promoted during the Project Development Process. User Group Members are:
    - Valdon Daniel (AHA)
    - Charlie Gluodenis (AHA)
    - Brad Griffin (ACCGov Director of Planning)
    - Hayley Banerjee (ACCGov Director of HCD)
    - Keoshawn Maddox (Bethel Resident)
    - LaTasha Sheats (Resident Advocate)

15. On December 10, 2020, AHA closed on the purchase of the Bethel Midtown Village property.

16. On January 28, 2021, the Project 02 - Affordable Housing User Group reviewed the results from multiple public input and informational sessions and agreed that the Proposed Project Concept meets the requirements of the Original Project Intent and the expectations described by the public at the various meetings and informational sessions.

17. On February 9, 2021 at the regularly scheduled M&C Work Session, representatives from ACCGov staff and Columbia Residential presented the North Downtown Master Plan, including the Redevelopment Master Plan for the Bethel site and AHA-owned College & Hoyt community.

18. On March 2, 2021, M&C accepted the North Downtown Master Plan, approved the Project Concept to advance the Redevelopment Master Plan, and approved an intergovernmental agreement ("IGA #3") with AHA for use of SPLOST 2020 Project 02 funds for certain project management services and professional design services (civil, landscape architect, etc.) for horizontal public infrastructure. Professional design services included providing preliminary horizontal infrastructure plans for all proposed phases of Bethel Midtown Village redevelopment and final site construction documents for Phase I demolition and installation of horizontal infrastructure.

19. On March 25, 2021, through a competitive procurement process, AHA and its project manager North Downtown Athens Developer, LLC (NDAD), selected consultants for civil engineering (W&A Engineering), landscape architecture (Dix Hite + Partners), and sustainability (Thornton Tomasetti) to advance design of the horizontal infrastructure needed to support the mixed-income, mixed-use redevelopment outlined in the Redevelopment Master Plan.

20. On May 12, 2021, the Athens Cultural Affairs Commission (ACAC) met and voted to recommend SPLOST 2020 Project 02 as appropriate for SPLOST-funded public art.

21. On May 27, 2021, the User Group met to review the Phase I of Demolition and horizontal Infrastructure Preliminary Plans.

22. On June 10, 2021, the Unified Government of Athens-Clarke County Board of Assessors and the Athens Housing Authority agreed to a settlement with regards to the taxes owed on Columbia Brookside.

23. On June 22, 2021, AHA and NDAD held a public engagement session to solicit feedback on the Phase I Preliminary Plans for Infrastructure. The session was attended by 10 participants.

24. On June 24, 2021, a Stakeholder Meeting was held with the Athens Community Council on Aging (ACCA) to garner input on the Project Update. The meeting was attended by 5 participants.

25. On June 25, 2021, NDAD met with board members of the Athens Cultural Affairs Commission to review suggested art locations in the Phase I Infrastructure Preliminary Plans.

26. On July 7, 2021, the User Group met and approved recommending the Preliminary Plans for Phase I to M&C, with participation from the Athens Cultural Affairs Commission.

27. In July 2021, construction estimates rose to $25,141,104, which equated to $209,000 per unit; much higher than historical pricing in Georgia. This created an initial $6.55M shortfall that was covered by the partnership in 2021 by applying for additional tax credit credits from DCA (resulting in $6,056,661 of additional equity for ND Athens) and by deferring $500,000 of developer fee.

28. On August 3, 2021, the M&C approved the Proposed Intergovernmental Agreement with the Athens Housing Authority (IGA #4) for the demolition, design and installation of horizontal infrastructure, and project management to create buildable city blocks to support mixed-income housing and mixed-use redevelopment as outlined in the Project Concept.

29. On November 11, 2021, the Partnership entered into a contract for demolition and mass grading for Phase 1 of the NDA Project with Kevin Price Construction to build Phase 1.

30. At their November 11, 2021 meeting, the ACCGov Board of Assessors agreed that there should be a PILOT agreement established for Phase 1 of the North Downtown Athens Project.

31. In January 2022, the contractor began demolition of the buildings associated with Phase 1 of the NDA project.

32. On March 1, 2022, the Mayor and Commission approved a budget allocating ARPA State and Local Recovery Funds to various programs including a budget of $11,000,000 for Affordable Housing and a budget of $4,555,082 for Contingency/Future Needs. This action included the approval of a strategic planning process, followed by an RFP, and the associated timeline.

33. On March 17, 2022 the ARPA Affordable Housing Advisory Committee met for the first time. At that meeting, the Advisory Committee emphasized the importance of providing funding to housing partners in an expedited manner. Subsequently, the Advisory Committee made a motion to recommend to the Mayor and Commission to carve out $7M from the overall $11M Affordable Housing budget for an RFP that would be released immediately.

34. On March 22, 2022, at a scheduled M&C worksession, AHA Executive Director Rick Parker reviewed the requested terms of the proposed PILOT Agreement and Ground Lease/Private Enterprise Agreement.

35. On May 3, 2022, at a regularly scheduled M&C voting meeting, the M&C:
    a. Approved the proposed Payment in Lieu of Taxes (PILOT) Agreement with the Athens Housing Authority for Phase 1 of the North Downtown Athens Project;

    b. Approved IGA #5 Related to Approvals Necessary for Implementation of Phase 1 of the North Downtown Athens Development Project, which provides the following:
        i. Approves and authorizes execution of the proposed Ground Lease between the Athens Housing Authority and the North Downtown Athens Phase 1, LP, for Phase 1 of the North Downtown Athens (NDA) Project, including the appraisal and valuation of the ground lease interests which Phase 1 Ground Lease provides the following:
            - Base rental in the amount of not less than $600,000 as established by a written appraisal report prepared by Novogradac, paid in one lump sum upon execution of the Ground Lease agreement, as provided in Section 2.2 of the Phase 1 Ground Lease;
            - Designates the Phase 1 Ground Lease as a Private Enterprise Agreement in accordance with OCGA Section 8-3-3(13.1) and deems all 120 units of Phase 1 as being occupied or reserved for occupancy for persons of low income in accordance with OCGA Section 8-3-8;
            - Provides authority for an ad valorem tax exemption for all 120 units in Phase 1 which are subject to the private enterprise agreement in the same manner as all other property owned by the Athens Housing Authority pursuant to OCGA Section 8-3-8; and
            - Provides the authority for the Unified Government and the Authority to enter into a Payment in Lieu of Taxes (PILOT) Agreement for all 120 units in Phase 1 to require certain payments by the Developer for governmental services provided to the NDA Project.

        The Ground Lease also specifies that the Authority and the Unified Government agree that the base rental proceeds in the amount of $600,000 shall be distributed back into the Affordable Housing Project budget.

        ii. Approved an Amendment to IGA #4 to designate all 120 units in Phase 1 as affordable housing, subject to the following affordability restrictions:
            - Forty (40) Units shall be leased and operated in accordance with the HAP Requirements;
            - Forty (40) Units shall be leased and operated under and subject to the Low-Income Housing Tax Credit program with such affordability

restriction as set forth in Section 42 of the Internal Revenue Code and all supporting regulations, and as further set forth in that certain Land Use Restrictive Covenants for Low Income Housing Tax Credits by and between the Tenant and the Georgia Housing and Finance Authority; and

- Forty (40) Units shall only be rented to tenants have a household income no greater than one hundred fifteen percent (115%) of the Area Median Income.

iii. Approves that allocated reimbursements of SPLOST proceeds shall not be required for Phase 1 on the following basis:

- Pursuant to O.C.G.A. § 8-3-8, the property of a housing authority is deemed to be public property used for essential public and governmental purposes and not for purposes of private or corporate benefit or income;
- As all 120 units of affordable housing in Phase 1 will be occupied by "persons of low income" as defined in O.C.G.A. § 8-3-3 (13), Phase 1 will constitute a "housing project" as per O.C.G.A. § 8-3-3 (10)(A)(ii);
- O.C.G.A. § 8-3-8 further provides that the portion of any "housing project" that is subject to a private enterprise agreement consisting of eligible units that are occupied or reserved for occupancy by persons of low income is also declared to be public property used for essential public and governmental purposes and not for purposes of private benefit or income;
- Georgia law provides that SPLOST proceeds may be spent on public property used for essential public and governmental purposes; and
- Accordingly, as all 120 units in Phase 1 of the NDA development constitute public property used for essential public and governmental purposes and not for purposes of private or corporate benefit or income, then allocated reimbursements of SPLOST Proceeds shall not be required for Phase 1 of the NDA project.

36. On May 10, 2022, at a regularly scheduled M&C work session, AHA Executive Director Rick Parker on behalf of the partnership, gave a presentation outlining the recent gap in financing for the North Athens Redevelopment Project and an ask of ACCGov to provide an additional $5.2M in funding to allow the project to proceed as envisioned.

37. On May 17, 2022, the Affordable Housing ARPA Advisory Committee met to discuss the Request for Proposal (RFP) process for ARPA funding related to affordable housing development. The Committee made a recommendation to the M&C to "set aside up to $3M for the North Downtown Athens SPLOST project and to use the remaining funds from the $7M total carve out for an expedited RFP process that would culminate in a December 2022 M&C vote on project funding."

38. On May 17, 2022, the M&C approved a concept to fund a portion of the $13.7 million funding deficit for the North Downtown Athens Redevelopment Project:

- $1,733,334 of the balance was designated from the ARPA Affordable Housing allocation;
- $1,733,334 of the balance was designated from the ARPA Contingency; and
- $1,733,334 of the balance was designated from SPLOST 2020 Project 02 Affordable Housing.

39. On June 3, 2022, the AHA and the partnership submitted an application for DCA assistance in the amount of $4M. Award announcements were expected in July 2022. To date, no announcement has been made yet.

40. On June 7, 2022 the M&C voted to accept the recommendation of the ARPA Affordable Housing Advisory Committee and approve the advance of ARPA funding up to $5.27 million for the Affordable Housing Phase I concept.

41. On August 10, 2022, the Athens Housing Authority submitted a request for additional support beyond the original $5.2M approved at the May 17, 2022 M&C meeting. This request was necessitated by a delay in the Georgia Department of Community Affairs application and award process for additional state funds to support already awarded Low Income Housing Tax Credit projects.

42. On September 2, 2022, the ARPA Affordable Housing Advisory Committee discussed gap funding for the North Athens Downtown Project. The funding was discussed in lieu of potential funding from the Georgia Department of Community Affairs funding. With no noted opposition, the Committee supported the additional funding being allocated from Phase 2 of the ARPA Affordable Housing priority area.

FACTS & ISSUES:

1. The Initial Project Statement for SPLOST 2020 Project 02 reads as follows:

> ***Project 02: Affordable Housing Project:*** *This project will provide funding support for a range of affordable, public, or workforce housing sub-project options in Athens-Clarke County (collectively referred to as "affordable housing"), including, but not limited to, multi-family and single-family developments or redevelopments, which may include associated commercial and retail components of mixed-use developments. Depending upon costs and funding availability, such options may include, but not be limited to, ACCGov ownership of affordable housing; construction of public infrastructure (e.g., public roads, public sidewalks, water lines, sewer lines, and stormwater facilities) to support such housing options; and partnerships with affordable housing providers and investors, public and private, for development and redevelopment of affordable housing, including mixed-income, mixed-use developments or redevelopments that may include affordable or public multi-family rental units and home ownership opportunities. To the extent allowed by law, measures to limit the displacement of existing residents may be considered by the Mayor and Commission when considering available options hereunder. Additionally, to the extent allowed by law, funds may be used as matching*

funds for leveraging grant opportunities. It is the intention of ACCGov and the Athens Housing Authority that the North Downtown Athens Development Project introduce a mixture of housing types, land uses and density in the "Downtown North End" Master Plan District while connecting streets and infrastructure, which would foster a wider and more optimal range of redevelopment options.

2. The Bethel Midtown Village site previously consisted of 190 affordable apartment units in 16 buildings and the College & Hoyt community contains 32 units in 11 buildings. The Master Plan anticipates the phased demolition of all structures on these properties while providing new housing to the residents with same subsidy structure.

3. The previous intergovernmental agreements do not include using SPLOST 2020 funding for the private development of housing or non-residential buildings. All SPLOST expenditures shall be related to public land improvements and infrastructure and/or used for essential public and governmental purposes and not for private or corporate benefit or income. All expenditures will adhere to ACCGov requirements/guidelines, and all documentation and reconciliation will be made available for ACCGov review as expenses are encumbered.

4. As AHA Director Rick Parker reported to the M&C on May 10, 2022, as a result of construction pricing and interest rate increases, Phase I of the North Downtown Athens redevelopment project is facing a large financing gap. The current reported financing gap is $13.7M. A previous shortfall of $6.55M was assimilated by the partnership as indicated in History Item #27.

5. The partnership reported that the financing shortfall put the project at risk of not closing and potentially being in default of DCA, IRS, and HUD requirements, which could limit future Bethel redevelopment.

6. At the time, the reported shortfall of $13.7M was created by several circumstances:
    a. Construction bids received in March 2022 by the partnership were at $33,572,223, or $279,000 per unit which represented a 33% increase from the July 2021 estimate. This created a $8.7M shortfall.
    b. Rising interest rates have also increased construction interest costs and decreased permanent loan proceeds, creating a $3.9M shortfall.
    c. Increasing design and engineering costs, materials testing, survey work, etc, have driven soft costs higher by additional $1.1M.

7. There are potential consequences if the project does not close on financing by November 2022, which include but are not limited to the following:
    a. Loss of 9% tax credit allocation, which equates to $21.9M of project funding
    b. Default and termination of HUD's Section 8 Project-Based Rental Subsidy contract, which supports affordability for extremely low-income households
    c. Relocated residents face permanent relocation

8. The partnership requested ACCGov' assistance in providing between $5.2M and $9.6M of additional gap funding. The final amount needed is dependent upon any competitive funding received under the DCA NOFA. The partnership asked the M&C for a preliminary commitment of $5.2M for additional funding by May 17, 2022. This application to DCA for $4M of potential grant funding would offset any additional funds that ACCGov would add to the funding stack. The application was due to DCA by June 3, 2022.

9. There are several strategies within the developer's control that can reduce the current $13.7M gap by $4.1M, in addition to the DCA's competitive NOFA. These include, but are not limited to:
    a. Maximize the deferred developer fee
    b. Apply for funding from the AHA
    c. Increase permanent loan amortization to 40 years
    d. Update to 2022 rents
    e. Identify construction /design cost savings

10. The project team has considered other strategies to reduce the funding shortfall, but have already been deemed infeasible. These strategies include but are not limited to:
    - Wait for the market and pricing to stabilize
    - Apply for additional tax credits from DCA
    - Build fewer units
    - Build more units
    - Rebid Construction pricing
    - Adjust unit mix to 100% Section 8

11. To meet the desired schedule for the Project, the anticipated project schedule is:

• Demolition & Infrastructure Construction begun	January 2022
• Project Phase 1 Financing Closing	Fall 2022
• Phase I vertical Construction begins	January 2023
• Completion of Phase I 120 units	December 2024
• Future Phase II, III, IV, V	2023 ongoing in a phased approach

12. The appropriation of these funds will require the Attorney to develop an agreement for the M&C to ratify at a later date in the near future.

13. Initially, the Treasury guidance was interpreted by staff to indicate that formal procurement would be required for any subrecipient awards of ARPA funding. Recently, the ACCGov Attorney's Office advised that ACCGov could directly award ARPA funds to a subrecipient. AHA is a governmental entity and is otherwise not subject to formal procurement processes when an intergovernmental agreement is approved. For the purposes of competitive funding processes, however, it is a best practice to solicit general interest in funding opportunities, be transparent in the offering, as well as better understanding the scope and

deliverables. In this case, the exigency of the situation indicates a rapid decision process to bolster the project.

14. On May 10, 2022, AHA Director Rick Parker described, and as outlined in Facts and Issues #8 above, the developer's efforts and the ACCGov award of $5.2 million was not sufficient to fully close the funding gap and allow for the successful completion of North Downtown Athens Redevelopment Phase I. The developer anticipated that the remaining gap would be funded by the State of Georgia acting through its Department of Community Affairs (DCA). The original NOFA and application for these funds was anticipated to be submitted in June 2022 with an award announcement July 2022. Unfortunately, DCA was delayed, and the development team applied for the remaining $4 million gap on July 18, 2022.

15. No announcement of the status of DCA funding has been received by the development team at this time. In order submit for financial underwriting and meet DCA's required closing date of November 2022 for this project, additional assistance from M&C has been requested in the amount of $4M. This will allow the Athens Housing Authority (AHA) to guarantee gap funding sufficient for the project to undergo federal underwriting and close in time for the November 2022 deadline.

16. Any funding award of all or part of the $4 million requested from DCA will be used to eliminate or reduce the additional request from M&C prior to the final closing date in November 2022.

17. Even if the development team receives an award of gap funding, DCA has stated that their official award commitments are not likely to be executed before October 2022. This makes M&C action in September critical to allow for underwriting to occur.

18. This recommendation supports the following Mayor and Commission Strategic Plan Goals:
    - Quality, Stable, Affordable Housing for All
    - Identify and Close Gaps in Partnership with the Community

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OPTIONS:

1) Mayor and Commission:
   a) Award ACCGov ARPA State and Local Recovery Funds (SLRF) funds to the Athens Housing Authority in the amount of $4,000,000 for the North Athens Downtown Redevelopment Project from the following sources:
      - Up to $4,000,000 of ARPA SLRF from the "Affordable Housing" allocation;
   b) Direct the Attorney to develop the required subrecipient agreement for the above ARPA funding award for future M&C ratification;
   c) Authorize the Mayor, Manager, and appropriate staff to execute all necessary project-related documents.

2) Mayor and Commission do not award ARPA and SPLOST funds for the North Downtown Athens Redevelopment Project.

3) Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1 a, b, & c

DEPARTMENT: Office of the Manager – SPLOST Program Management



Robert Cheshire P.E. Date:
Capital Projects Director



J. Richard Parker II, AHA Date:
CEO / Executive Director

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a, b, & c



August 30, 2022
Manager Date:

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 REDUCING THE QUORUM REQUIRMENT FOR THE COMMISSION 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 Subsection (d) of Section 2-104 in its entirety, and substituting the following new subsection (d) in lieu thereof:

"(d) Six (6) of the ten (10) members of the commission shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time."

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.

SO ORDERED AND ORDAINED this ___ day of _____, 2022.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

_____
Kelly Girtz, Mayor

Attest: _____
Jean Spratlin, Clerk of Commission

RESOLUTION CONCERNING EXTRA COURTROOM SPACE FOR
THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY

WHEREAS, the Western Judicial Circuit was awarded $1.6M in Judicial American Rescue Plan Act (ARPA) funds to address the backlog of cases that resulted from the COVID-19 pandemic and the Western Circuit anticipates holding additional trials in the future to eliminate the backlog created by the pandemic; and

WHEREAS, The Western Judicial Circuit has four Superior Court judges presiding in Athens-Clarke and Oconee Counties; however, there are only three designated Superior courtrooms in the Athens-Clarke County courthouse which makes it difficult for all four judges to hold court proceedings at the same time in Athens-Clarke County; now, therefore be it

RESOLVED, That The Classic Center located at 300 North Thomas Street, Athens, Georgia is a suitable place for holding trial;

That if necessary the Chief Judge of the Superior Courts of the Western Judicial Circuit may arrange for proceedings of the Athens-Clarke County Superior Court to be held at said location; and

That this resolution is adopted pursuant to Section 15-6-18 of the Official Code of Georgia Annotated.

FURTHER RESOLVED that the Athens-Clarke County Administrator is hereby authorized to pay from government funds, including Judicial American Rescue Plan Act funds, such expenses as are incurred in connection with the use of said facilities of The Classic Center by the Superior Court of Athens-Clarke County.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Resolution to Designate the Athens Classic Center as a Facility for Court Business

DATE: August 12, 2022

BUDGET INFORMATION:

REVENUES: 0

EXPENSES:

ANNUAL:	0
CAPITAL:	0
OTHER:	0

FUNDING SOURCE:

COMMISSION ACTION REQUESTED ON: September 6, 2022 Under Suspension of Rules

PURPOSE:

To request that the Mayor and Commission approve and pass a resolution designating the Classic Center, located in Athens, Georgia, as an alternative venue for court business under O.C.G.A 15-6-18.

HISTORY:

1. From March 2020 through June 2021, in response to the COVID-19 pandemic, Georgia's judiciary operated under a Statewide Judicial Emergency Order, posing necessary limitations on court operations to protect the general public, defendants, litigants, and individuals working and entering the courthouses.

2. On February 22, 2021, the Western Judicial Circuit signed an Order Designating an Alternative Courthouse Location and Plan for the Safe Resumption of Jury Trial Proceedings. Under O.C.G.A 38-3-61, the Chief Judge of the circuit is able to designate another facility which is reasonably accessible and appropriate for the conduct of court business, in the event of circumstances underlying the judicial emergency make access to the courthouse impractical.

3. On November 4, 2020, the Mayor and Commission approved amending the FY21 Operating Budget to provide General Fund Contingency for Superior Court for costs directly associated with conducting Grand Jury proceedings and Jury Trials at the Classic Center as an alternative to the Athens-Clarke County Courthouse due to social distancing and safety limitations caused by the COVID-19 pandemic.

4. On June 30, 2021, the Statewide Judicial Emergency Order ended.

5. On October 28, 2021, Governor Brian P. Kemp allocated up to $110 million of the $4.8 billion in ARPA funds allocated to the State of Georgia, to the judiciary for the purpose of addressing backlogs of court cases, prioritizing cases involving serious violent felonies.

FACTS & ISSUES:

1. The Western Judicial Circuit was awarded $1.6M in Judicial ARPA funds to help the courts address the case backlog that resulted from the COVID-19 pandemic. $103,132 of the total award is designated for the use of temporary facilities or workspace.

2. The Superior Court judges successfully conducted criminal jury trials at the Classic Center while the Statewide Judicial Emergency Order was in place.

3. The Official Code of Georgia 15-6-18 allows superior and state courts to use non-governmental facilities as an alternative location for criminal jury trials so long as the governing authority either owns the facility or has a contractual relationship with the facility.

4. The Western Judicial Circuit has four Superior Court judges presiding in Athens-Clarke and Oconee Counties; however, there are only three designated Superior courtrooms in the Athens-Clarke County courthouse which makes it difficult for all four judges to hold court proceedings at the same time in Athens-Clarke County.

5. All four of the Superior Court judges have trials scheduled for the week of September 12-16, 2022. The Judges propose having one of the trials held at the Classic Center, if a courtroom does not become available by the scheduled trial date.

6. With the ARPA funds awarded to the Western circuit, staff anticipate holding additional trials in the future to help with eliminating any backlog that may have resulted from the pandemic. In order to prevent delays and disruptions to court proceedings, it is necessary to plan for holding court at an alternative facility that the governing authority of the county, by appropriate resolution, deem is in the best interest of the public.

OPTIONS:

Mayor and Commission approve and pass a resolution designating the Classic Center, located in Athens, Georgia, as an alternative venue for court business under O.C.G.A 15-6-18.

DEPARTMENT RECOMMENDED ACTION: 1

DEPARTMENT:
Prepared by: Elisa Zarate

Elisa Zarate 8/18/2022

Elisa Zarate, Court Administrator — Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION:



August 29, 2022

Manager — Date:

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Low-Income Household Water Assistance Program

DATE: August 30, 2022

BUDGET INFORMATION:

REVENUES:

EXPENSES:
ANNUAL:
CAPITAL:
OTHER:

FUNDING SOURCE:

COMMISSION ACTION REQUESTED ON: September 6, 2022 – Under Suspension of Rules

PURPOSE:

To request the Mayor and Commission:

A. Approve the agreement (**Attachment #1**) with the Georgia Department of Human Services, Division of Family and Children Services (DHS-DFCS);

B. Authorize the Mayor to execute any additional agreement for the Low-Income Household Water Assistance Program (LIHWAP); and,

C. Authorize the Mayor and appropriate staff to execute all related documents.

HISTORY:

1. On April 1, 2008, the Mayor and Commission (M & C) adopted the *Water Conservation Rates – Recommended Rate Structure Methodology and Rate Setting Guidelines*. These *Guidelines* referenced a potential program to help low-income households pay water and sewer bills.
2. On October 6, 2017, the team of Unified Government of Athens-Clarke County (ACCGov) Innovation Ambassadors met with the Salvation Army regarding low-income bill payment assistance.
3. On November 14, 2017, the Innovation Ambassadors presented a recommendation for a low-income assistance program at the M & C Work Session.
4. On January 2, 2018, the M & C approved the agreement with the Salvation Army-Project Share to provide low income assistance on water & sewer bills.

5. On July 26, 2021, the Public Utilities Department (PUD) was notified of a program that started using state ARP grant funds to provide low-income household assistance on water, sewer and storm water bills.
6. On October 28, 2021, PUD received the formal agreement to participate in the Low-Income Household Water Assistance Program (LIHWAP).
7. On November 16, 2021, M&C approved the addition of LIHWAP to assist Athens-Clarke County water customers with their water bills.
8. On August 11, 2022, PUD was informed LIHWAP still had funding available and the program would continue in 2023.

FACTS & ISSUES:

1. The *Water Conservation Rates – Recommended Rate Structure Methodology and Rate Setting Guidelines* adopted by Mayor & Commission on April 1, 2008, contains the following statement in Facts and Issues #20:

   "In addition to the information provided above, staff is currently working on the development of a low-income assistance program. This program could provide assistance in the following areas: a) paying of water/sewer bills; … Ideally, the PUD would partner with an organization that already works with low-income customers and provide low-income assistance to administer programs and verify qualifications."
2. LIHWAP has helped approximately 640 local customers to the sum of $203,490 in water bill assistance since the program started. PUD would recommend keeping LIHWAP, as funds are available, to continue to assist Athens-Clarke County residents with water bills.
3. LIHWAP is a grant program providing funds to assist low-income households with water, sewer and storm water bills. These funds are 100% funds paid directly to the water bill customer and there is no matching required from the Unified Government of Athens-Clarke County. The program was only supposed to be in place for one year.
4. Eligibility for low-income assistance under the LIHWAP program is being determined by the Community Action Agencies selected by DHS-DFCS. The Community Action Agency selected for Athens-Clarke County is Ninth District Opportunity, Inc**.** The Ninth District Opportunity, Inc. is the same community action group which provides assistance for low-income home energy assistance program (LIHEAP) for the Athens-Clarke County community. The Public Utilities Department has no role in determining eligibility.
5. LIHWAP information is displayed in the Water Business Office (WBO). Whenever a customer has an apparent or recurring problem paying their bill, the Customer Service Representatives make the customer aware of LIHWAP and Project SHARE. Information is also available on the PUD webpage.
6. This recommendation supports the following ACCGov Strategic Plan Goal & Strategy:
   - Built and Natural Infrastructure Goal, Strategy C: *Provide adequate funding for maintenance of existing and newly constructed infrastructure.*

OPTIONS:

1. Mayor and Commission:
   A. Approve the agreement (**Attachment #1**) with the Georgia Department of Human Services, Division of Family and Children Services(DHS-DFCS);
   B. Authorize the Mayor to execute any additional agreement of the Low-Income Household Water Assistance Program (LIHWAP); and
   C. Authorize the Mayor and appropriate staff to execute all related documents.
2. Mayor and Commission deny the request.
3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION:

Option 1 A, B & C

DEPARTMENT: Public Utilities

Prepared by: Hollis Terry IV

Hollis Terry IV — August 30, 2022

Hollis Terry IV — Date:

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option 1 A, B & C

Manager — August 30, 2022

Manager — Date:

ATTACHMENTS:
Attachment #1 - Agreement

AGREEMENT

BETWEEN

THE GEORGIA DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY AND CHILDREN SERVICES

AND

UNIFIED GOVERNMENT ATHENS

[Name of Home Water Supplier]

FOR

THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

This Agreement ("Agreement") is made and entered into by and between the Georgia Department of Human Services, Division of Family and Children Services ("DHS-DFCS") and UNIFIED GOVERNMENT ATHENS ("Home Water Supplier"), each individually a "Party" and collectively referred to as the "Parties" and shall be effective upon the date of last signature by the authorized representatives of the Parties ("Effective Date").

WHEREAS, DHS is the State agency that administers and sets parameters for a statewide system of programs and services that provide public assistance to the disadvantaged, disabled and elderly residents of the State of Georgia (the "State") through a network of other agencies and organizations, pursuant to O.C.G.A. § 49-2-1 et seq.;

WHEREAS, Home Water Supplier refers to any private or public entity in the business of supplying water for human consumption and/or wastewater related services to customers through public water systems, such as pipelines.

WHEREAS, DHS and Home Water Supplier are empowered to enter into this Agreement pursuant to 1983 Ga. Const. Art. IX, Sec. III, Para. I, as an intergovernmental agreement.

WHEREAS, DHS and Home Water Supplier enter this Agreement for the provision of federal funds to cover and/or reduce arrearages, rates and fees associated with reconnection or preventions of disconnection of service, and rate reduction to assist low-income households with water and wastewater reconnection and ongoing services for households eligible for the Low-Income Household Water Assistance Program ("LIHWAP"). The term "arrearage" includes any past due balance on an account.

WHEREAS, DHS operates LIHWAP in accordance with Term Eleven in the Supplemental Terms and Conditions, incorporated in this Agreement as **Attachment A**, as set forth by the United States Department of Health and Human Services' Administration for Children and Families, Office of Community Services. Federal funds awarded under this grant shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the COVID-19 pandemic with the public health focus of ensuring that eligible low-income households have access to drinking water and wastewater services.

WHEREAS, DHS and Home Water Supplier acknowledge that the services provided under this Agreement are governed by and subject to the federal and state laws and regulations in accordance with LIHWAP and its Supplemental Terms and Conditions **(Attachment A)**.

NOW THEREFORE, in consideration of the mutual agreements and covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. PARTIES' JOINT RESPONSIBILITIES

The Parties agree to:

1.1. Maintain regular communication with each other, in all matters, as needed throughout the duration of the Agreement.

1.2. Work in partnership with each other and with each Party's authorized representatives and contractors in the provision of the services and such other goals as may be mutually agreed upon by the Parties.

1.3. Provide information and documentation as reasonably necessary to meet the obligations of this Agreement.

1.4. Cooperate in good faith with any audit or financial reviews conducted by the other Party or any other authorized entity regarding this Agreement. This includes maintaining and providing information descriptive of the services required under this Agreement necessary for the other Party to meet any reporting requirements imposed by State or federal law.

2. HOME WATER SUPPLIER RESPONSIBILITIES

Home Water Supplier agrees to:

General:

2.1. Provide DHS-DFCS a copy of the Employer Identification Number document, which was issued to the Home Water Supplier and which displays the number used by the IRS as the Home Water Supplier's tax identification number.

2.2. Provide DHS-DFCS with at least one designated contact person who shall be available to respond by telephone and electronic mail to all reasonable inquiries regarding LIHWAP household accounts, including but not limited to bills, payments, and services.

2.3. Notify DHS-DFCS immediately when the tax identification number is changed. A new W-9 form will be completed and returned to DHS-DFCS.

2.4. Notify DHS-DFCS within 10 days when the name of the company, ownership of the company, contact person, contact/billing information, services to be provided, or servicecoverage area changes.

2.5. For privately owned Water Companies: Notify DHS-DFCS if the Home Water Supplier owner or an employee of the Home Water Supplier is also employed by DHS-DFCS or a member of his/her immediate family is employed by the DHS-DFCS. ("Immediate family" means either a spouse or any other person who resides in the same household as the owner/employee and who is a dependent of the owner.)

2.6. For the purpose of monitoring compliance with this Agreement and LIHWAP program compliance, the Home Water Supplier agrees to allow representatives of the Community Action Agency and DHS-DFCS access to all account information for the LIHWAP recipients.

2.7. The provisions found at Section 5 of this Agreement are hereby incorporated.

Financial Information/Billing:

2.8. Provide drinking water and/or wastewater services to each eligible and approved residential household, for which payment is provided under this Agreement.

2.9. Charge LIHWAP households using the Home Water Supplier's normal billing process.

2.10. Apply LIHWAP funds for currently open/active accounts, only, as follows:

2.10.1. Do not apply LIHWAP funds to any closed/inactive accounts.

2.10.2. If there is an arrearage on an open/active account, apply all LIHWAP funds to the arrearage on the account first. All remaining payment shall be applied to the customer's current account balance, which may result in a credit on the account. If the water services have been disconnected, the Home Water Supplier agrees to restore water services within 10 business days upon the receipt of the payment from LIHWAP.

2.10.3. If there are no arrears on an open/active account, apply all LIHWAP funds to the customer's current account balance, which may result in a credit on the account.

2.10.4. Charge all LIHWAP households the same rate for home drinking water and/or wastewater services that the Home Water Supplier bills to non-LIHWAP households.

2.10.5. Do not apply LIHWAP payments to account balances that have previously been written off.

2.10.6. Do not apply LIHWAP payments to commercial accounts. LIHWAP payments should only be applied to residential accounts.

2.10.7. Post all payments to customer accounts within 5 business days of receiving the payment.

2.10.8. Clearly notate and distinguish on all LIHWAP household accounts, the LIHWAP funds that are applied to the account.

2.10.9. After LIHWAP funds are applied to an account, include on the customer's next billing statement information concerning all LIHWAP funds applied to the account.

2.11. Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to DHS-DFCS.

2.12. Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit.

2.13. Cooperate with any Federal, State, or local investigation, audit, or program review. Allow DHS-DFCS representatives access to all books and records relating to LIHWAP households for the purpose of compliance verification with this Agreement.

2.14. Understand that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in the LIHWAP.

2.15. Take corrective action in the timeframe specified by the DHS-DFCS if violations of this Agreement are discovered. Corrective action may include, but is not limited to, providing detailed documentation of changes made and detailed plans for future changes that will bring the Home Water Supplier into compliance.

2.16. Understand that failure to implement corrective actions may result in the immediate disqualification from participation in the LIHWAP.

Data Collection:

2.17. DHS-DFCS requires the Home Water Supplier to maintain data regarding performance measures, which includes but may not be limited to:

2.17.1. Written information to DHS-DFCS on an eligible household's home drinking water and/or wastewater costs, bill payment history, and/or arrearage history for no more than the previous 12 monthly billing periods even when it may be from a prior occupant household. If the eligible household has been a customer for less than 12 months, the Home Water Supplier will provide LIHWAP with the requested data and include the number of months that the data supports.

2.17.2. The itemized amount, cost, and type of water assistance and services provided for eligible households approved for assistance under this award.

2.17.3. The type of water assistance used by the eligible household, i.e., drinking

water, wastewater etc.

2.17.4. The impact of the LIHWAP benefit on the LIHWAP household (e.g., amount of assistance to each household, and whether assistance restored water service or prevented shutoff).

2.18. The performance measures data must be provided at no cost to DHS-DFCS nor the account holder and provided to DHS-DFCS within a timeframe specified by DHS-DFCS. Additionally, the performance measures data must be provided in the format requested by DHS-DFCS (or an authorized agent for the DHS-DFCS) for the purposes of verification, research, evaluation, analysis, and reporting. Prior to requesting performance measures data, DHS-DFCS will obtain authorization for release of information from the LIHWAP applicant.

3. DHS-DFCS RESPONSIBILITIES

DHS-DFCS agrees to:

3.1. DHS-DFCS will evaluate the relationship to determine if there is a conflict of interest that will preclude the Home Water Supplier from providing LIHWAP services to a designated locality(s). (Conflict of Interest is defined asa situation that has the potential to undermine the impartiality of a person in an official position because ofthe possibility of a clash between the person's self-interest and professional interest or public interest.)

3.2. Not serve as the Home Water Supplier for a household in which s/he is a current recipient of assistance from the LIHWAP. (For these purposes, current will be defined as during the present federal fiscal year. Applies to privately owned Water Companies).

3.3. Not serve as the Home Water Supplier for a dwelling/property that s/he owns. (Applies to privately owned Water Companies).

4. TERM

4.1. This Agreement shall begin on the Effective Date and shall continue until September 30, 2023, unless terminated earlier pursuant to **Section 7**, ***Termination***; provided, however, that termination or expiration of this Agreement shall not affect any obligations, representations, or warranties, which by their nature survive termination or expiration. Thereafter, this Agreement may be renewed by the Parties for an additional term, which shall begin on October 1 and end at midnight on September 30, of the following year ("Renewal Option") as follows:

4.2. The terms and conditions in effect at the time of the renewal shall apply to each renewal term. DHS-DFCS shall send Home Water Supplier written notice memorializing the Parties' intent to exercise a renewal option under this Agreement. Renewal is not automatic.

5. PAYMENT

5.1. All funds for payment made pursuant to this Agreement will be paid directly to the Home Water Supplier by a DHS-DFCS contracted Community Action Agency, as outlined in this Agreement. "Responsibilities of the Community Action Agency" are detailed in **Attachment B** of this Agreement.

5.2. If a Community Action Agency notifies the Home Water Supplier that a payment is a duplicate or was sent in error, the refund check must be made payable to the Community Action Agency within 10 business days of notification. The Home Water Supplier shall refund only the portion of the payment that was a duplicate or the portion of the payment that was sent in error. Do not return the entire check.

5.3. If the Home Water Supplier receives notification that a LIHWAP payment has not posted to the correct account, the Home Water Supplier must credit the LIHWAP payment to the correct account within 5 business days.

6. RELATIONSHIP OF THE PARTIES

6.1. Neither Party is an agent, employee, assignee or servant of the other. It is expressly agreed that this Agreement is not to be construed as creating a partnership, joint venture, master-servant, principal-agent, or other relationship for any purpose whatsoever. Furthermore, neither Party is authorized to or has the power to obligate or bind the other by contract, agreement, warranty, representation or otherwise in any manner whatsoever.

7. TERMINATION

7.1. This Agreement may be cancelled or terminated, in whole or in part:

7.1.1. For convenience of either Party upon delivery of thirty (30) calendar days' written notice of intent to do so, signed by a duly authorized representative of either Party;

7.1.2. By operation of law or act of the General Assembly, so as to render the fulfillment of the Agreement infeasible; and

7.1.3. In the event sufficient appropriated, otherwise obligated funds no longer exist for the payment of a Party's obligations hereunder.

7.2. In the event of termination of this Agreement for any reason, the Parties shall remain liable for only those amounts, if any, incurred up to and including the termination date, subject to appropriations and the payment terms of this Agreement. If the Parties fail to agree in whole or in parts as to the amounts with respect to monies to be paid in connection with the total or partial termination, **Section 13**, ***Dispute Resolution***, shall govern.

8. DEFAULT

8.1. If there is an event of default, the non-defaulting Party shall provide written notice thereof requesting that the breach or noncompliance be remedied within the time period specified in the notice. If the breach or noncompliance is not remedied by such date, the non-defaulting Party may immediately terminate this Agreement, in whole or in part, without additional written notice.

9. LIMITATION OF LIABILITY

9.1. No civil action may be brought under this Agreement by one Party against the other Party.

9.2. DHS-DFCS shall not be held liable for claims arising solely from the acts, omissions or negligence of Home Water Supplier. Home Water Supplier shall not be held liable for claims arising solely from the acts, omissions or negligence of DHS-DFCS.

10. CONFIDENTIALITY AND PERSONAL HEALTH INFORMATION

10.1. All Parties herein shall abide by all state and federal laws, rules and regulations, and DHS policy on respecting confidentiality of an individual's records. The Parties herein further agree not to divulge any information concerning any individual to any unauthorized person without the written consent of the individual employee, consumer/client/customer, or responsible parent or guardian.

10.2. Pursuant to 45 C.F.R § 160.103, the Parties agree that DHS-DFCS is a "covered entity" as defined by the federal Standards for Privacy of Individually Identifiable Health Information. DHS-DFCS from time to time may disclose "protected health information" ("PHI") to carry out the functions of this Agreement. These disclosures relate to PHI created or acquired by DHS-DFCS in connection with programs it administers.

10.3. PHI disclosed pursuant to this Agreement is confidential information and will be subject to appropriate safeguards while in DHS-DFCS possession. PHI will not be re-disclosed by DHS-DFCS or its employees without the written consent of the individual to whom the PHI relates or that individual's authorized representative, except as may be required by compulsory legal process. PHI will be retained by DHS-DFCS as required by law and, as appropriate, will be destroyed only in accordance with approved records retention schedules.

10.4. DHS-DFCS is required by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (hereinafter referred to as 'HIPAA'), to obtain satisfactory assurances that its Business Associates will provide appropriate safeguards to ensure the security, confidentiality and integrity of PHI that a Business Associate may receive or create on behalf of DHS-DFCS pursuant to this Agreement, and to document those assurances by entering into a Business Associate Agreement with certain entities that provide activities and/or services involving the use of PHI.

10.5. The Home Water Supplier who utilizes, accesses, or stores personally identifiable information as part of the performance of this Agreement are required to safeguard this information and immediately notify DHS-DFCS of any breach or suspected breach in the security of such information. The Home Water Supplier shall allow DHS-DFCS to both participate in the investigation of incidents and exercise control over decisions regarding external reporting.

11. NOTICE

11.1. All notices, requests, or other communications (excluding invoices) under this Agreement shall be in writing and either transmitted via overnight courier, electronic mail, hand deliver or certified or registered mail, postage prepaid and return receipt requested to the Parties at the following addresses. Notices will be deemed to have been given when received.

DHS-DFCS:

Project Leader
Cynthia Bryant, MPH
LIHEAP/CSBG/LIHWAP Unit Director
2 Peachtree Street
Suite 21-253
Atlanta, GA 30303
(404) 463-1679
Cynthia.Bryant@dhs.ga.gov

Contracts Administrator
Contracts Manager
Office of Procurement, Contracts and Vendor Management
2 Peachtree Street, NW
Suite 27-214
Atlanta, Georgia 30303
(404) 656-4861
(770) 359-3276 (fax)

Home Water Supplier

Refer to Attachment C for the Home Water Supplier's contact information.

11.2. In the event a Party decides to identify a new or additional point-of-contact, said Party shall send written notification to the other Party identifying, the name, title, and address of the new point-of-contact. Identification of a new point-of-contact is not considered an amendment to this Agreement.

12. AMENDMENTS IN WRITING

12.1. The Parties recognize and agree that it may be necessary or convenient for the Parties to amend this Agreement so as to provide for the orderly implementation of all of the undertakings described herein, and the Parties agree to cooperate fully in connection with such amendments if and as necessary. However, no amendment, modification or alteration of this Agreement will be valid or effective unless such modification is made in writing and signed by both Parties and affixed to this Agreement as an amendment. Except for the specific provisions of the Agreement which are amended, the Agreement remains in full force and effect after such amendment.

13. COMPLIANCE WITH APPLICABLE LAWS

13.1. The Parties agree to comply and abide by all federal and state laws, rules, statutes, case law, precedent, policies, or procedures that may govern the Agreement, or any of the Parties' responsibilities. To the extent that applicable federal and state laws, rules, regulations, statutes, case law, precedent, policies, or procedures - either those in effect at the time of the execution of this Agreement, or those which become effective or are amended during the life of the Agreement - require a Party to take action or inaction, any costs, expenses, or fees associated with that action or inaction shall be borne and paid by said Party.

14. ASSIGNMENT

14.1. No Party may assign this Agreement, in whole or in part, without prior written consent of the other Party, and any attempted assignment not in accordance herewith shall be null and void and of no force or effect. If requested by DHS-DFCS, the Home Water Supplier shall furnish DHS-DFCS the names, qualifications, and experience of their proposed subcontractors. The Home Water Supplier shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the Agreement.

15. DISPUTE RESOLUTION

15.1. The Parties shall cooperate with each other in good faith and agree to amicably settle any differences expediently through negotiations. Outstanding issues shall be resolved between departmental unit management as appropriate. If no resolution can be reached at the appropriate unit level, the issue will be escalated to upper/ senior management for resolution. If no resolution can be reached at the upper/senior management level, the issue will be escalated to the commissioner level for resolution.

16. MISCELLANEOUS PROVISIONS

16.1. Audits. The Parties may audit the performance of this Agreement following reasonable notice to the other. The Parties agree to cooperate with such audit and to furnish any and all records and information reasonable requested by the other.

16.2. Boycott of Israel. Home Water Supplier certifies that Contractor is not currently engaged in and agrees for the duration of this Contract not to engage in, a boycott of Israel, as defined in O.C.G.A. § 50-5-85.

16.3. Governing Law. This Contract and the rights and obligations of the Parties hereto shall be governed, construed, and interpreted according to the laws of the State of Georgia.

16.4. Legislation. Each Party shall promptly notify the other Party of proposed legislation which may affect the subject matter of this Agreement.

16.5. Parties Bound. This Agreement is binding upon all employees, agents and third-party vendors of Home Water Supplier and DHS-DFCS and will bind the respective heirs, executors, administrators, legal representatives, successors and assigns of each Party.

17. WAIVER AND SEVERABILITY

17.1. No failure or delay in exercising or enforcing any right or remedy hereunder by a Party shall constitute a waiver of any other right or remedy, or future exercise thereof. If any provision of this Agreement is determined to be invalid under any applicable statute or rule of law, it is to that extent deemed to be omitted, and the balance of the Agreement shall remain enforceable.

18. COUNTERPARTS/ELECTRONIC SIGNATURES

18.1. This Contract may be executed in several counterparts, each of which shall be an original, and all of which shall constitute one and the same instrument. Any signature below that is transmitted by facsimile or other electronic means shall be binding and effective as the original.

19. ENTIRE AGREEMENT

19.1. This Agreement together with attachments or exhibits, which are incorporated by reference, constitutes the complete agreement and understanding between the Parties with respect to the subject matter and supersedes any and all other prior and contemporaneous agreements and understandings between the Parties, whether oral or written.

20. NONDISCRIMINATION

20.1. The Home Water Supplier shall not discriminate against any household because of race, religion, color, sex, national origin, age, disability, political beliefs, sexual orientation, gender identity, or any other basis prohibited by state law relating to discrimination. Additionally, the Home Water Supplier shall not discriminate against a LIHWAP eligible household with respect to terms, deferred payment plans, credit, conditions of sale, or discounts offered to other customers.

21. FRAUD

21.1. The Home Water Supplier will be permanently disqualified from participating in the LIHWAP upon the first finding of LIHWAP fraud. Fraud includes, but is not limited to, intentionally providing false information to DHS-DFCS or knowingly allowing others to do so; intentional failure to notify the DHS-DFCS of a change in circumstances that affects payments received by the Home Water Supplier; intentionally accepting payments that the Home Water Supplier knows, or by reasonable diligence would know, the Home Water Supplier is not entitled to by virtue of an overpayment or otherwise; or intentionally making a claim for a payment to which the Home Water Supplier is not entitled pursuant to the terms of this Agreement and all applicable rules, regulations, laws and statutes. Repayment must be made unless contrary to a court order.

21.2. For overpayments received by the Home Water Supplier that are not the result of intent to defraud, the Home Water Supplier shall be required to repay the full amount to the Community Action Agency.

(SIGNATURES ON FOLLOWING PAGE)

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SIGNATURE PAGE

IN WITNESS WHEREOF, the Parties agree to the terms and conditions of this Agreement and the undersigned duly authorized officers or agents of each Party have hereunto affixed their signatures on the day and year indicated below.

GEORGIA DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY AND CHILDREN SERVICES

Date:

Matthew Krull, Deputy Commissioner of Operations

UNIFIED GOVERNMENT ATHENS

[Name of Home Water Supplier]

Date:

[Name of signatory] [Title]

ADMINISTRATION FOR CHILDREN & FAMILIES
330 C Street, S.W., Washington, DC 20201 | www.acf.hhs.gov

SUPPLEMENTAL TERMS and CONDITIONS

The **General Terms and Conditions** apply to all mandatory grant programs. These Supplemental Terms and Conditions are additional requirements applicable to the program named below.

By acceptance of awards for this program, the grantee agrees to comply with the requirements included in both the General and Supplemental Terms and Conditions for this program.

Office of Community Services (OCS)

LOW INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM (LIHWAP)

Assistance Listing No. 93.568(B) (with modifications based on P.L. 116-260)

APPLICABLE LEGISLATION, STATUTE, REGULATIONS

1. The administration of this program is authorized under Section 533 Title V of Division H of the Consolidated Appropriations Act, 2021, Public Law No: 116-260. Consistent with legislative instructions, program requirements use existing processes, procedures, and policies currently in place to provide assistance to low-income households. In particular, OCS has closely modeled the Low Income Household Water Assistance Program's (LIHWAP) terms and conditions on assurances and requirements outlined in the Low Income Household Energy Assistance Act, 42 U.S.C. 8621 *et seq*.

2. The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards is located under 45 CFR Part 75. In accordance with 45 CFR 75.101 applicability, this program must comply with 45 CFR Part 75 in its entirety. No exceptions have been identified.

3. Additional applicable regulations and requirements can be found in the General Terms and Conditions for Mandatory: Formula, Block and Entitlement Grants.

COST SHARING OR MATCHING (NON-FEDERAL SHARE) OF PROGRAM FUNDING

4. The federal financial participation rate (FFP) is 100 percent for this program. The federal award provides funds for 100 percent of allowable, legitimate program costs.

5. There is no non-federal cost share/matching required for this program. Program funds for this program are awarded with a 100 percent FFP rate for program costs.

FINANCIAL REPORTING AND REQUIREMENTS

6. The OMB approved Financial Reporting form for this program is the SF-425 Federal Financial Report SF-425 Federal Financial Report. Grantees must track and report on LIHWAP funds separately from appropriated LIHEAP funds.

a. This report is submitted annually and must be submitted no later than December 30, which is 90 days following the end of each federal fiscal year (FFY).
b. A first interim report is due 90 days following the end of FFY 2021.
c. A second interim report interim report is due 90 days following the end of FFY 2022.
d. A final report (cumulative, covering the entire project period) is due 3 months following the end of FFY 2023.

7. Project Period. The project period for this award is synonymous with the obligation period, as follows: from the date of the award through the end of FFY 2023 (September 30, 2023). Any federal funds not obligated by the end of the obligation period will be recouped by this Department.

8. Liquidation Deadline. All obligated federal funds awarded under this grant must be liquidated no later than 3 months after the end of the project period (i.e., December 31, 2023). Any funds from this award not liquidated by this date will be recouped by this Department.

9. The following are the grant/fiscal requirements based on modifications of existing LIHEAP policies and requirements:

   a. The grantees may use up to 15 percent of grant funds for planning and administering the funds under this award. The grantee will pay from non-federal sources the remaining costs of planning and administering the program under this award and will not use federal funds for such remaining cost. Administrative costs of the owners or operators of public water systems or treatment works that may be charged to this award, if any, are subject to this limitation and must be included together with the grantee's costs of planning and administration when calculating compliance.

   b. The grantee will ensure that fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursal of and accounting for federal funds paid to the state under this award, including procedures for monitoring the assistance provided under this award, and provide that the grantee will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act").

   c. The grantee may expend funds for immediate expenses necessary for planning and administering the use of funds upon receipt of the award. However, prior to the expenditure of grant funds for any payments to owners or operators of public water systems or treatment works on behalf of low-income households, the grantee must submit an implementation plan for OCS review and acceptance in a format provided by OCS that will (a) include the eligibility requirements to be used by the state for each type of assistance to be provided under this grant, (2) describe the benefit levels to be used by the state, territory, or tribe for LIHWAP assistance, (3) describe any steps that will be taken to target assistance to households with high home water burdens, and (4) provide a plan of administration including a plan of oversight and monitoring of any subrecipient organizations comparable to the processes and procedures for comparable grant programs. Not later than May 30, 2021, OCS will make available a Model State and Tribal Implementation Plan format to be used in developing and submitting the implementation plan for review.

PROGRAM REPORTING AND REQUIREMENTS

10. Grantees must track and report on LIHWAP program activities under this award separately from LIHEAP. The grantee must report annually on the following data elements, using an OMB-approved reporting format to be provided by OCS:
    a. the amount, cost, and type of water assistance provided for households eligible for assistance under this award;
    b. the type of water assistance used by various income groups;

c. the number and income levels of households assisted by this award;
d. the number of households that received such assistance and include one or more individuals who are 60 years or older, include a household member with a disability, or include young children (ages 5 and younger);
e. the impact of each grantee's LIHWAP program on recipient and eligible households (e.g., amount of assistance to each household, and whether assistance restored water service or prevented shutoff); and
f. administrative information regarding local providers (if applicable), agreements with water utilities, recommendations, accomplishments, unmet needs and lessons learned.

11. The following are the program requirements, consistent with instructions in P.L. 116-260, Section 533 and consistent with existing program requirements for Low-Income Home Energy Assistance Program (LIHEAP) and other closely related programs:

a. Federal funds awarded under this grant shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the coronavirus, with the public health focus of ensuring that low-income households have access to safe and clean drinking water and wastewater services.

b. Funds will be used to provide assistance to low-income households—particularly those with the lowest incomes—that pay a high proportion of household income for drinking water and wastewater services. Assistance to households will be accomplished by providing funds to owners or operators of public water systems or treatment works to reduce arrearages of and rates charged to such households for such services. Grantees may use LIHWAP funding to cover arrearages arising at any time, including prior to this award.

c. Grantees shall, in carrying out programs funded with this grant, as appropriate and to the extent practicable, use existing processes, procedures, policies, and systems in place to provide assistance to low-income households, including by using existing programs and program announcements, application and approval processes.
    i. Grant resources may be used to make payments only with respect to households in which one or more individuals are receiving the following:
        1. assistance under the State program funded under part A of title IV of the Social Security Act;
        2. supplemental security income payments under title XVI of the Social Security Act;
        3. food stamps under the Food Stamp Act of 1977;
        4. payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or
        5. payments under the Low Income Home Energy Assistance Program (LIHEAP); **or**

    ii. households with incomes that do not exceed the greater of the following:
        1. an amount equal to 150 percent of the poverty level for such state; or
        2. an amount equal to 60 percent of the state median income;
        3. except that a state, territory, or tribe may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for the state; but, the state, territory, or tribe may give priority to those households with the highest home water costs or needs in relation to household income.

d. The grantee will establish criteria and procedures for determining income eligibility comparable to established procedures and requirements for LIHEAP. The grantee will conduct outreach activities designed to ensure that eligible households, especially those with the lowest incomes,

that pay a high proportion of household income for drinking water and wastewater services, are made aware of the assistance available under this title and any similar assistance available under the Community Services Block Grant program or through other emergency relief such as the Pandemic Emergency Assistance Fund and the U.S. Department of Treasury's Emergency Rental Assistance Program.

e. The grantee will coordinate its activities under this title with similar and related programs administered by the Federal Government and such state, territory, or tribe, particularly low-income utility support programs such as LIHEAP, the Community Services Block Grant (CSBG), Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), the Social Service Block Grant, and the Emergency Rental Assistance Program.

f. The grantee will provide, in a timely manner, that the highest level of assistance will be furnished to those households that have the lowest incomes and the highest water costs or needs in relation to income, taking into account family size, except that the state, territory, or tribe may not differentiate in implementing this section between the households described in condition 11(c)(i) and 11(c)(ii) (above).

g. The grantee will establish policies, procedures, and benefit levels on behalf of households that prioritize continuity of water services, including prevention of disconnection and restoration water services to households for which water services were previously disconnected.

h. The grantee will provide funds to owners or operators of public water systems or treatment works ("owners or operators") to reduce arrearages of and rates charged to eligible households for such services. For all payments to owners or operators on behalf of individual households, the grantee must establish procedures to:
   i. notify, or require the owner or operator to notify, each participating household of the amount of assistance paid on its behalf;
   ii. ensure that the owner or operator will charge the eligible household, in the normal billing process, the difference between the actual amount due and the amount of the payment made by the LIHWAP grant;
   iii. ensure that any agreement the grantee enters into with an owner or operator under this paragraph will contain provisions to ensure that no household receiving assistance under this grant will be treated adversely because of such assistance under applicable provisions of state, territorial or tribal law or public regulatory requirements;
   iv. ensure that the provision of payments to the owner or operator remains at the option of the grantee, in consultation with local subgrantees; and
   v. ensure that the owner or operator provides written reconciliation and confirmation on a regular basis that benefits have been credited appropriately to households and their services have been restored on a timely basis or disconnection status has been removed if applicable.

i. The amount of any home water assistance benefits provided under this program for the benefit of an eligible household shall not be considered income or resources of such household (or any member thereof) for any purpose under any State, Territorial, or Tribal law, including any law relating to taxation, public assistance, or welfare programs.

j. The grantee will not exclude income-eligible households (described above in condition 11(c)(ii)) from receiving home water assistance benefits.

k. The grantee will establish procedures to treat owners and renters equitably under the program assistance provided with these grant resources.

l. The grantee will provide for timely and meaningful public participation in the development of a state, territory or tribe's LIHWAP implementation plan, such as publication and acceptance of comments via the grantee's website.

m. The grantee will provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under a LIHWAP plan are denied or are not acted upon with reasonable promptness. Administrative hearing opportunities will be comparable to and may utilize existing processes, procedures, and systems currently in place for the state, territory, or tribe's Low Income Home Energy Assistance grant.

n. The grantee will be responsible for planning and prioritizing funds for households in communities throughout the state with the exception of households within tribal jurisdictions for which OCS has reserved a portion of LIHWAP funds. If the governing organization of any eligible tribal government or organization located within the state declines or is not able to successfully apply for available LIHWAP funds, the state grantee will then be responsible for including eligible households within the tribe's jurisdiction in its outreach and service coverage.

o. LIHWAP grant funds may not be used by the grantee, or by any other person with which the grantee makes arrangements to carry out the purposes of this grant, for the purchase or improvement of land or the purchase, construction, or permanent improvement of any building or other facility.

p. The grantee will permit and cooperate with federal investigations undertaken in accordance with the following procedures:
   i. OCS shall, after adequate notice and an opportunity for a hearing conducted within the affected state, territory, or tribe, withhold funds from any grantee that does not utilize its allotment substantially in accordance with the terms and conditions.
   ii. OCS shall review and respond in writing in no more than 60 days to matters raised in complaints of a substantial or serious nature that a grantee (or any person with which the grantee makes arrangements to carry out the purposes of the grant) has failed to use funds in accordance with these terms and conditions. Any violation of any one of the terms and conditions that constitutes a disregard of such assurance shall be considered a serious complaint.
   iii. If OCS determines that there is a pattern of complaints from any state, territory, or tribe during the grant period, OCS shall conduct an investigation of the use of funds received under this award by the grantee in order to ensure compliance with terms and conditions.
   iv. The HHS Office of the Inspector General (OIG) may conduct an investigation of the use of funds received under this title by a state, territory, or tribe in order to ensure compliance with the provisions of this title.
   v. In the event of an investigation conducted by OCS, OIG, or another federal entity designated by OCS, the grantee shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request thereof.
   vi. In conducting any investigation under the procedures described above, OCS will not request any information not readily available to such state, territory, or tribe, or require that any information be compiled, collected, or transmitted in any new form not already available.

REAL PROPERTY REPORTING

12. Real Property Reports (SF-429s). The SF-429 Real Property forms are not applicable to this program. Purchase, construction, and major renovation are not an allowable activity or expenditure under this grant.

EFFECTIVE PERIOD

13. These program-specific Supplemental Terms and Conditions are effective on the date shown at the bottom of the pages of this document and will remain in effect until updated. They will be updated and reissued only as needed whenever a new program-specific statute, regulation, or other requirement is enacted or whenever any of the applicable existing federal statutes, regulations, policies, procedures, or restrictions are amended, revised, altered, or repealed.

Signature of Governor's Authorized Official

Name of State/Territory: Georgia

LIHWAP State/Territory Lead Agency: Georgia Division of Family and Children Services

I certify that the LIHWAP State/Territory Lead Agency has reviewed and will abide by the conditions outlined above.

X Candice Broce

Digitally signed by Candice Broce
Date: 2022.06.29 14:17:38 -04'00'

Governor's Authorized Official

ATTACHMENT B

RESPONSIBILITIES OF THE COMMUNITY ACTION AGENCY

a. Based on established criteria, determine household eligibility for LIHWAP based on the State's approved Grantee State Plan in a timely manner.
a. Accept and process referrals from the Home Water Supplier for LIHWAP
b. Provide payment to the Home Water Supplier after a household has been determined eligible for services rendered pursuant to this Agreement,
c. Batch payments based on Home Water Supplier and application completion date. Home Water Supplier will receive paper checks with a report featuring Applicant Name, last four digits of the Social Security Number, Account Address, Account Number, Account Name, and Approved Benefit Amount from the administering Community Action Agency.
d. To secure from each eligible household, as a part of their application for assistance, a written authorization for the release of information concerning the eligible household's account with the Home Water Supplier. The Community Action Agency represents and warrants to the Home Water Supplier that it has obtained an Authorization for Release of General and/or Confidential Information from account holders (or individuals authorized to act on behalf of such account holders) applying for assistance under LIHWAP. The Release authorizes any utility service provider, including the Home Water Supplier that participates in LIHWAP to provide to the Community Action Agency personal and/or confidential customer-specific information which may include, without limitation, utility account identification information such as names, addresses, social security numbers, and account numbers; utility account payment history and other account information such as account status, utility charges, payment history, past due amounts, pending deposits, current shut-off due dates or disconnection, current life support status (if applicable) payment arrangements, and history of energy assistance payments; general energy usage data such as energy consumption and amounts and costs of fuel used for up to twenty- four months (at no greater level of detail than monthly totals); and such other data as the Community Action Agency, and/or the State of Georgia determine is reasonably necessary. Accordingly, the Community Action Agency (1) shall notify the Home Water Supplier if any eligible household under LIHWAP at any time declines to authorize the Home Water Supplier to disclose such information to the

Community Action Agency or retracts or withdraws such authorization; (2) shall remove, redact, and destroy any information received from the Home Water Supplier for which the Community Action Agency has not received a Release or for which such authorization has been retracted or withdrawn; and (3) hereby indemnifies the Home Water Supplier from any and all losses, costs, damages or expenses incurred by the Home Water Supplier (including, but not limited to, reasonable attorneys' fees actually incurred) resulting from any claim, cause of action, or enforcement action arising from any information provided to the Community Action Agency, and/or in connection with the Home Water Supplier's participation in LIHWAP. This indemnity shall survive the expiration, cancellation, revocation, or termination of the Original Agreement, as amended herein.

e. Notwithstanding the foregoing, the DHS-DFCS do not indemnify and/or hold harmless neither the Home Water Supplier nor the Community Action Agency. Further, all Party(ies) to this Agreement hereby waives, releases, relinquishes, discharges and agrees to indemnify, protect and save harmless the State of Georgia (including the State Tort Claims Trust Fund), the Department of Administrative Services (DOAS), their officers and employees (collectively "indemnitees") of and from any and all claims, demands, liabilities, losses, costs, or expenses and attorneys' fees caused by, growing out of, or otherwise happening in connection with this Agreement due to any act or omission on the part of the Home Water Supplier, its agents, employees, subcontractors, or others working at the direction of the Home Water Supplier, or on the Home Water Supplier's behalf, due to the application or violation of any pertinent federal, state or local law, rule or regulation, or due to any breach of this Agreement by the Home Water Supplier (collectively, the "indemnity Claims"). This indemnification extends to the successors and assigns of the Home Water Supplier, and this indemnification and release survives the termination of this Agreement and the dissolution or, to the extent allowed by law, the bankruptcy of the Home Water Supplier. The Home Water Supplier shall, at its expense, be entitled to and shall have the duty to participate in the defense of any suit against indemnitees. No settlement or compromise of any claim, loss or damage asserted against Indemnitees shall be binding upon Indemnitees unless expressly approved by the Indemnitees.

f. Be responsible for planning and prioritizing funds for households in communities throughout their serving area with the exception of households within tribal jurisdictions for which OCS has reserved a portion of LIHWAP funds.

Low Income Household Water Assistance Program (LIHWAP)
DHS-DFCS and Home Water Supplier

Water Utility Information Form

ATTACHMENT C

Vendor Number:
A96

Alias Name :
ATHENS CLARKE

Company / Legal Name:

Company Owner Name:

Type of Entity:

	Yes	No
Sole Proprietor	○	○
Partnership	○	○
Government Entity	○	○

	Yes	No
Estate	○	○
Trust	○	○

Utility: Investor Owned:Yes ○ No ○
Cooperative:Yes ○ No ○ Municipal:Yes ○ No ○

Limited Liability Company (LLC)
Is the LLC incorporated? Yes ○ No ○
Single Member: Yes ○ No ○ **Multiple Member:**Yes ○ No ○

Taxpayer Identification (ID) Number:

○ **Social Security Number (SSN) Employer**

○ **Identification Number (FEIN)**

○ **Individual Taxpayer Identification Number (ITIN)**

Program Primary Contact Name/Title:
MICHELLE STROUD

Primary Contact Telephone Number:
706-613-3500

Primary Contact Email Address:
MICHELLE.STROUD@ACCGOV.COM

Mailing Address for Payments:
P O BOX 16869
ATLANTA
GA 30321

Office Physical Address:
P O BOX 16869
ATLANTA
GA 30321

Office Fax Number:

Contact Name/Title Regarding Payments:

Telephone Number Regarding Payments:

SERVICES PROVIDED AND BILLED BY HOME WATER SUPPLIER

Water Fees: Yes ○ No ○

Wastewater/Sewer Fees: Yes ○ No ○

Low Income Household Water Assistance Program
(LIHWAP) DHS-DFCS and Home Water Supplier

HIGHLIGHT EACH COUNTY SERVED BY THIS COMPANY

Yes ○ No ○ STATEWIDE (Check 'Yes' only if you serve the entire state.)

If 'Yes' is selected, please confirm that no other counties are selected.

☐ If 'No' is selected, please confirm that you checked all the counties that you will be serving.

☐001 Appling	☐041 Dade	☐081 Jefferson	☐121 Richmond
☐002 Atkinson	☐042 Dawson	☐082 Jenkins	☐122 Rockdale
☐003 Bacon	☐043 Decatur	☐083 Johnson	☐123 Schley
☐004 Baker	☐044 DeKalb	☐084 Jones	☐124 Screven
☐005 Baldwin	☐045 Dodge	☐085 Lamar	☐125 Seminole
☐006 Banks	☐046 Dooly	☐086 Lanier	☐126 Spalding
☐007 Barrow	☐047 Dougherty	☐087 Laurens	☐127 Stephens
☐008 Bartow	☐048 Douglas	☐088 Lee	☐128 Stewart
☐009 Ben Hill	☐049 Early	☐089 Liberty	☐129 Sumter
☐010 Berrien	☐050 Echols	☐090 Lincoln	☐130 Talbot
☐011 Bibb	☐051 Effingham	☐091 Long	☐131 Taliaferro
☐012 Bleckley	☐052 Elbert	☐092 Lowndes	☐132 Tattnall
☐013 Brantley	☐053 Emanuel	☐093 Lumpkin	☐133 Taylor
☐014 Brooks	☐054 Evans	☐094 Macon	☐134 Telfair
☐015 Bryan	☐055 Fannin	☐095 Madison	☐135 Terrell
☐016 Bulloch	☐056 Fayette	☐096 Marion	☐136 Thomas
☐017 Burke	☐057 Floyd	☐097 McDuffie	☐137 Tift
☐018 Butts	☐058 Forsyth	☐098 McIntosh	☐138 Toombs
☐019 Calhoun	☐059 Franklin	☐099 Meriwether	☐139 Towns
☐020 Camden	☐060 Fulton	☐100 Miller	☐140 Treutlen
☐021 Candler	☐061 Gilmer	☐101 Mitchell	☐141 Troup
☐022 Carroll	☐062 Glascock	☐102 Monroe	☐142 Turner
☐023 Catoosa	☐063 Glynn	☐103 Montgomery	☐143 Twiggs
☐024 Charlton	☐064 Gordon	☐104 Morgan	☐144 Union
☐025 Chatham	☐065 Grady	☐105 Murray	☐145 Upson
☐026 Chattahoochee	☐066 Greene	☐106 Muscogee	☐146 Walker
☐027 Chattooga	☐067 Gwinnett	☐107 Newton	☐147 Walton
☐028 Cherokee	☐068 Habersham	☐108 Oconee	☐148 Ware
☐029 Clarke	☐069 Hall	☐109 Oglethorpe	☐149 Warren
☐030 Clay	☐070 Hancock	☐110 Paulding	☐150 Washington
☐031 Clayton	☐071 Haralson	☐111 Peach	☐151 Wayne
☐032 Clinch	☐072 Harris	☐112 Pickens	☐152 Webster
☐033 Cobb	☐073 Hart	☐113 Pierce	☐153 Wheeler
☐034 Coffee	☐074 Heard	☐114 Pike	☐154 White
☐035 Colquitt	☐075 Henry	☐115 Polk	☐155 Whitfield
☐036 Columbia	☐076 Houston	☐116 Pulaski	☐156 Wilcox
☐037 Cook	☐077 Irwin	☐117 Putnam	☐157 Wilkes
☐038 Coweta	☐078 Jackson	☐118 Quitman	☐158 Wilkinson
☐039 Crawford	☐079 Jasper	☐119 Rabun	☐159 Worth
☐040 Crisp	☐080 Jeff Davis	☐120 Randolph	

Failure to identify all counties served may result in the denial of benefits for households.

Reviewer Initial Date:

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Project Schematics and Lease Agreement for the Expansion of the Athens Neighborhood Health Center

DATE: September 1, 2022

BUDGET INFORMATION:

REVENUES: N/A

EXPENSES: N/A

FUNDING SOURCE: N/A

COMMISSION ACTION REQUESTED ON: September 6, 2022 Under Suspension of Rules

PURPOSE:

To request that the Mayor and Commission:

a. Approve the schematic design for the expansion of the Athens Neighborhood Health Center at 402 McKinley Drive (**Attachment #1**);
b. Approve a Lease Agreement between ACCGov and the Athens Neighborhood Health Center that allows for the expansion of the facility at 402 McKinley Drive (**Attachment #2**);
c. Authorize the Mayor and appropriate staff to execute all necessary documents.

HISTORY:

1. Since 1995, ACCGov has leased the facility owned by the government at the Miriam Moore Center, located at 402 McKinley Drive, to the Athens Neighborhood Health Center (ANHC).

2. On June 2, 2020, the Mayor and Commission (M&C) adopted a Unified Leasing Policy for Athens-Clarke County Facilities. As a result, the annual lease for the facility occupied by ANHC decreased from $15,600 per year to $1 per year.

3. In Fall of 2020, ANHC began to inquire about ACCGov's interest in allowing ANHC to fund a facility expansion to the building they lease at 402 McKinley Drive.

4. On October 19, 2020, representatives from ANHC met with the Central Services Director to discuss the process for how ANHC might expand their leased facility at 402 McKinley Drive. From this point forward, coordination meetings and calls between ANHC and ACCGov would continue on an approximate monthly basis.

5. On June 2, 2021, ANHC signed a one year lease agreement with ACCGov for $1/year for the facility ANHC uses at 402 McKinley Drive. The terms of this lease are consistent with the terms outlined in the ACCGov Unified Leasing Policy.

6. On June 15, 2021, the M&C adopted the FY22 Capital & Operating Budget. Part of this budget included an additional $9,800 so facility maintenance contracts can be extended to a building addition at 402 McKinley Drive, should one be added.

7. On June 23, 2021, ACCGov provided ANHC with a non-binding "Landlord Letter of Consent" indicating ACCGov was aware that ANHC was applying for federal funding to support an expansion of the facility at 402 McKinley Drive.

8. On August 28, 2021, ANHC received a Notice of Award from the Department of Health and Human Services that they had received a grant to support the expansion of the 402 McKinley Drive facility.

9. On August 31, 2021, at the request of ACCGov staff, ANHC representatives submitted the site plans required to support an expansion to the ACCGov plan review process.

10. On November 30, 2021, ANHC submitted a letter to Mayor Kelly Girtz and Manager Blaine Williams requesting the M&C consider a concept for ANHC to expand their leased facility at 402 McKinley Drive (**Attachment #3**). In exchange for funding the expansion, ANHC asks that ACCGov enter into a 20 year lease for ANHC to use the facility.

11. On January 4, 2022, the M&C approved a project concept and a nonbinding MOU for the ANHC facility expansion (**Attachment #4**). In this same action, the M&C approved a contract amendment with Jacobs Project Management for staff augmentation services, thus permitting ACCGov to use Jacobs' staff for project management services on this project.

12. By the end of January, 2022, ANHC and ACCGov staff completed the internal review of proposed building plans. ANHC agreed to incorporate all recommended changes made by ACCGov staff.

13. On February 18, 2022, ANHC representatives submitted the building plans to the ACCGov plans review process.

14. On April 12, 2022, representatives from ANHC, along with ACCGov staff, presented the proposed expansion and agreement details before the M&C at their regularly scheduled work session.

15. On April 22, 2022, the Central Services Department, at the request of ANHC, asked the Mayor to withhold any vote or further consideration by the M&C on this item pending further discussion with ACCGov regarding terms of the proposed agreement.

16. On May 10, 2022, ACCGov received a specified list of terms from the legal counsel representing ANHC, outlining the desire to pursue a long-term land lease prior to commencement of the expansion construction, among other points of concern.

17. On June 2, 2022, a one year lease agreement renewal between ANHC and ACCGov became effective at a rate of $1/year for the facility ANHC uses at 402 McKinley Drive, under the same terms as the previous contract.

18. On August 2, 2022, legal counsel for ANHC notified ACCGov of their intent to alter the terms of a lease agreement once more, reverting back to the original proposal to lease the building at 402 McKinley Drive and construct an expansion at their expense, which upon completion will be owned by ACCGov, and therefore maintained like any other government facility.

FACTS & ISSUES:

1. The ANHC was established in 1971 as a private, not-for-profit Community Health Center and Public Housing Primary Care grantee. ANHC serves residents of Athens-Clarke County with comprehensive primary health care services through on-site and referral-based services including primary care, oral health, mental health, substance abuse disorder services, specialty care, pharmacy assistance, and education and outreach. These services are available to all residents, but are focused on reaching uninsured, underinsured, Medicaid/Medicare enrollees, residents of public housing, vulnerable populations, and low-income individuals.

2. ANHC operates out of three locations in Athens-Clarke County. Their facility at 402 McKinley Drive is owned and maintained by ACCGov. ANHC has leased this facility since approximately 1995.

3. ANHC proposes to fully fund the expansion of the ACCGov facility at 402 McKinley Drive. As approved by the Mayor and Commission, their concept (**Attachment #4**) will add approximately 4,200 square feet to expand exam rooms, administrative space, and dental facilities.

4. The architect has evaluated the potential for converting two existing restrooms to that of unisex restrooms, and although possible, such modification would alter the current project scope and cost an estimated ~$85,000. At present, there are already four private, unisex restrooms within the project to serve the needs of both patients and staff.

5. During the development of the non-binding MOU, the Central Services Department met with the Attorney's Office to discuss the best processes to meet the needs of ANHC, while minimizing risk for ACCGov. During these discussions, several overarching provisions were identified as to protect ACCGov while successfully implementing the project. These included:

a) ANHC & its contractors shall carry insurance throughout the duration of the project, and will indemnify ACCGov as a part of this project;
b) ANHC will need to bond or escrow construction funds so as to ensure their availability throughout the project;
c) The procurement of a contractor will not need to comply with the Georgia Public Works Construction Law as it is a ground lease; and,
d) ACCGov will need an owner's representative involved with the project. This representative will be responsible for broad project oversight including fiscal compliance, procurement, and permitting. ANHCs architecture and engineering consultants will handle the finer details of construction design, bids, and oversight.

6. The Central Services Department formalized a scope with Jacobs Project Management to serve as an owner's representative for the project. ANHC will fund this service as a part of the project. Although this is a unique arrangement, it is necessary to ensure ACCGov's interests as property holder, and neutralize potential liability risk directly linked to construction. The project itself was not initiated by ACCGov, but rather by the tenant (ANHC), and will otherwise be managed by ANHC, with Jacobs providing oversight.

7. The facility expansion is proposed to comply with the mandatory provisions of the ACCGov Sustainable Building Policy. As per the policy, 3rd party certification will not be required for a facility under 5,000 ft^2.

8. ANHC and ACCGov have used the non-binding MOU as a template for the Lease Agreement (**Attachment #2**). Broadly, the Lease Agreement includes the following important additions to the non-binding MOU:
   a) Clarifies the process for review and approvals from a project escrow account;
   b) Establishes a 5% project contingency to mitigate financial risk
   c) Details the level of insurance coverage required by ANHC and the project contractor;
   d) Identifies workmanship and material warranties and requires that these warranties be transferrable to ACCGov;
   e) Stipulates that the building expansion should be completed prior to September 14, 2024; and,
   f) Identifies the project deliverables.

9. If the M&C approve the schematic design and Lease Agreement recommended by this agenda report, the project will need to complete a number of milestones before construction begins. These milestones include:
   a) Plans review must be completed;
   b) The project bid package must be finalized and the project will be put to bid using processes consistent with state and local procurement laws;
   c) The project bids must be reviewed and a top contractor selected;
   d) A construction contract must be reviewed by the ACCGov Attorney's Office before it is finalized; and,
   e) The funding must be deposited into the escrow account.

10. As the project progresses, it is proposed that the Central Services Department will review and approve changes to the project. The M&C will be notified of any changes that impact the schematic design (**Attachment #1**) via a Notice of Proposed Administrative Action. If proposed changes would impact the project concept (**Attachment #4**), they will be brought before the M&C for review and approval using a formal vote.

11. Approval of the Lease Agreement will still require maintenance of the facility be the responsibility of ACCGov for the duration of tenancy.

12. In recognition of their financial contributions to this project, the MOU and Lease Agreement ensure ANHC a 20 year lease term for the facility while granting permission to proceed with an expansion project. The Attorney's Office recommends this be accomplished with a five year lease that is automatically renewable for three additional, five year terms. The lease would be for $1/year, as established in the ACCGov Unified Leasing Policy. Should ACCGov choose to not honor the cumulative 20 year terms, ACCGov would owe ANHC a prorated share of their initial investment. The Central Services Department supports this recommendation.

13. The 2018 Athens-Clarke County Comprehensive Plan, a state mandated document which sets forth a 20-year outlook, specifically identified the following goals, needs, opportunities, strategies, and policies that are supported by this recommendation:
    - *Health: Goal* - A culture of healthy lifestyles and inclusive access to affordable, holistic and state of-the-art services and facilities for physical health, mental health, and general wellbeing.
    - *Health: Policy (B*) – Continue to support healthy living.

14. This recommendation is consistent with the following ACCGov Strategic Plan Goal & Strategy:
    - Good Neighbors Goal, Strategy E: Support and promote healthy lifestyle choices: moving, eating, forming healthy relationships, physical and psychological care,
      Initiative 1: Target health and nutrition education programming to priority populations.

OPTIONS:

1. Mayor and Commission:
    a. Approve the schematic design for the expansion of the Athens Neighborhood Health Center at 402 McKinley Drive (**Attachment #1**);
    b. Approve a Lease Agreement between ACCGov and the Athens Neighborhood Health Center that allows for the expansion of the facility at 402 McKinley Drive (**Attachment #2**);
    c. Authorize the Mayor and appropriate staff to execute all necessary documents.

2. Mayor and Commission do not approve the project schematics or lease agreement.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: 1 a, b, & c

DEPARTMENT: Central Services
Prepared by: Gavin Hassemer



9/1/2022

Gavin Hassemer
Interim Central Services
Director

Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a, b, & c



9/2/2022

Assistant Manager

Date:

ATTACHMENTS:

Attachment #1 - Schematics for the Athens Neighborhood Health Center Expansion
Attachment #2 – Lease Agreement for the Expansion of the Athens Neighborhood Health Center
Attachment #3 – Letter from Athens Neighborhood Health Center Proposing a Facility Expansion to an ACCGov Facility
Attachment #4 – Project Concept to Expand the Athens Neighborhood Health Center

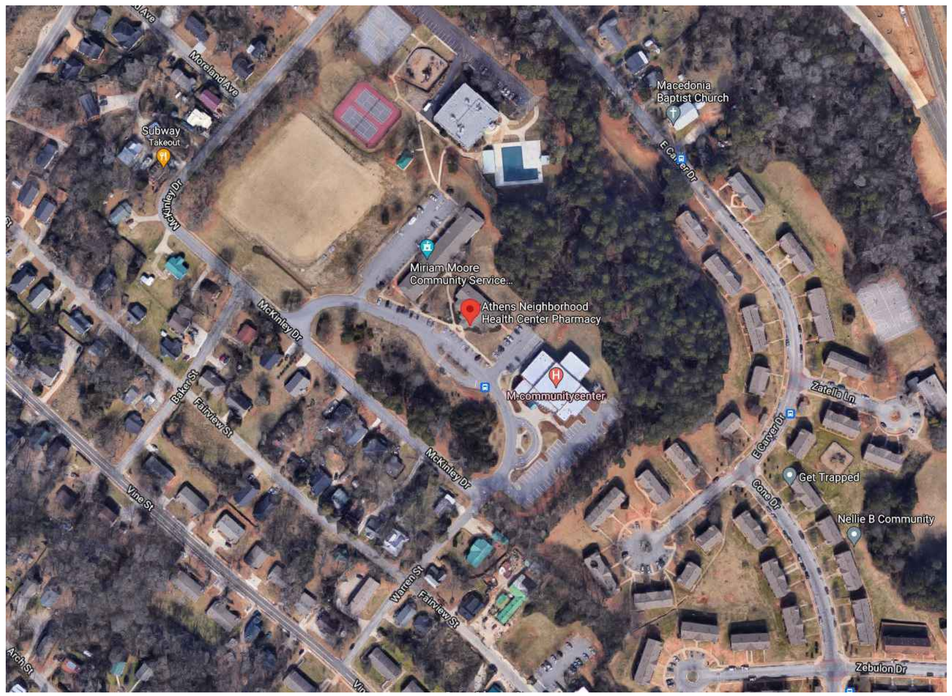
Attachment #1

ATHENS NEIGHBORHOOD HEALTH CENTER

402 MCKINLEY DRIVE
ATHENS, GEORGIA 30601



FRONT ELEVATION
N.T.S.



N

SITE LOCATION:

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CONSULTING ENGINEERS:

ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:



03.14.2022

No.	Date	Issue Notes

Design Firm:

297 PRINCE AVE, SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

Drawing Title:

COVER SHEET

Date	Project Number
3.15.2022	2021-26
CAD File Name:	

Drawing Number:

A-0.0

SITE PLAN

THIS SHEET SHOWS THE PROPOSED SITE CONDITIONS ONLY. SEE SHEET C111 FOR EXISTING SITE CONDITIONS TO BE DEMOLISHED.

PARKING DATA

TOTAL EXISTING PARKING: 148 SPACES (10 ADA SPACES)

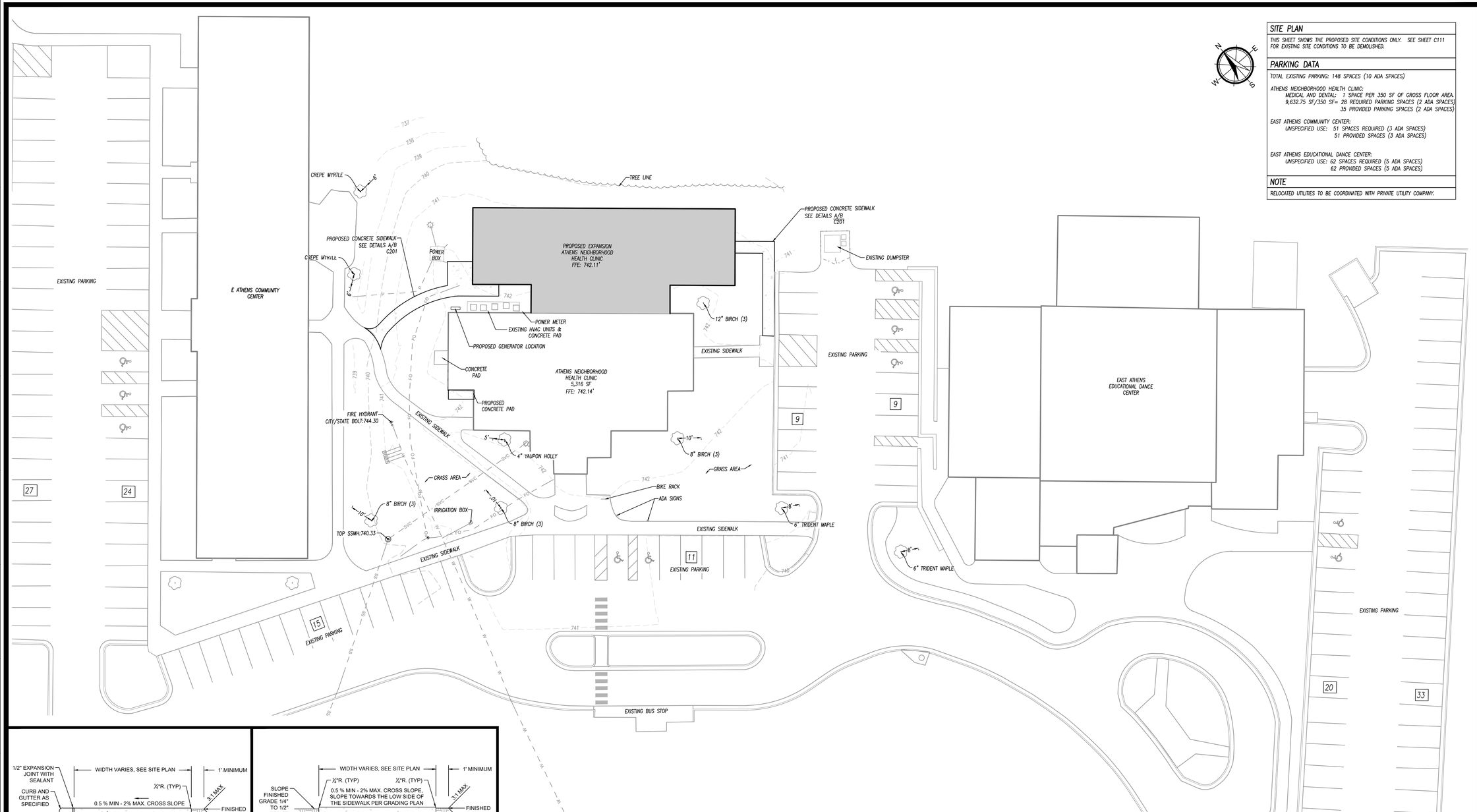
ATHENS NEIGHBORHOOD HEALTH CLINIC:
MEDICAL AND DENTAL: 1 SPACE PER 350 SF OF GROSS FLOOR AREA.
9,632.75 SF/350 SF= 28 REQUIRED PARKING SPACES (2 ADA SPACES)
35 PROVIDED PARKING SPACES (2 ADA SPACES)

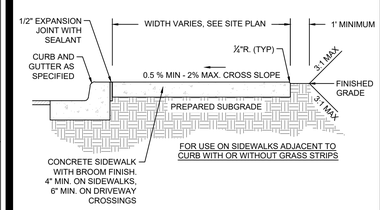
EAST ATHENS COMMUNITY CENTER:
UNSPECIFIED USE: 51 SPACES REQUIRED (3 ADA SPACES)
51 PROVIDED SPACES (3 ADA SPACES)

EAST ATHENS EDUCATIONAL DANCE CENTER:
UNSPECIFIED USE: 62 SPACES REQUIRED (5 ADA SPACES)
62 PROVIDED SPACES (5 ADA SPACES)

NOTE

RELOCATED UTILITIES TO BE COORDINATED WITH PRIVATE UTILITY COMPANY.





NOTES:

1. CONCRETE TO BE PLACED 4" THICK (EXCEPT WHERE OTHERWISE SPECIFIED) AND FINISHED WITH TAMPS, WOOD FLOATS AND STIFF-BRISTLE BROOMS.
2. CONTRACTION JOINTS SHALL BE PLACED EVERY 5' IN WHEN ADJACENT TO CURB AND GUTTER AND EVERY 10' WHEN ADJACENT TO A GRASS STRIP.
3. ½" EXPANSION JOINTS SHALL BE PLACED AT 50' INTERVALS OR WHERE SIDEWALK TIES INTO A STRUCTURE OR TERMINATES AT A CURB, RAMP OR DRIVEWAY APRON.
4. TOOL CONTROL JOINTS OVER ALL SLEEVES AND EXTEND JOINT ACROSS 6" CURB AND DOWN FACE OF CURB TO SLEEVE OPENING.
5. ALL SIDEWALK CONSTRUCTION SHALL COMPLY WITH "AMERICANS WITH DISABILITIES ACT" REQUIREMENT.
6. MAXIMUM RUNNING SLOPE NOT TO EXCEED 8.33%.
7. MAXIMUM CROSS-SLOPE NOT TO EXCEED 2.00%.

A C201 NTS — CONCRETE SIDEWALK ADJACENT TO CURB & LANDSCAPING

NOTES:

1. CONCRETE TO BE PLACED 4" (EXCEPT WHERE OTHERWISE SPECIFIED) THICK AND FINISHED WITH TAMPS, WOOD FLOATS AND STIFF-BRISTLE BROOMS.
2. CONTRACTION JOINTS SHALL BE EVENLY SPACED NOT TO EXCEED 10' IN LENGTH.
3. ½" EXPANSION JOINTS SHALL BE PLACED AT 50' INTERVALS OR WHERE SIDEWALK TIES INTO A STRUCTURE OR TERMINATES AT A CURB, RAMP OR DRIVEWAY APRON.
4. TOOL CONTROL JOINTS OVER ALL SLEEVES AND EXTEND JOINT ACROSS 6" CURB AND DOWN FACE OF CURB TO SLEEVE OPENING.
5. ALL SIDEWALK CONSTRUCTION SHALL COMPLY WITH "AMERICANS WITH DISABILITIES ACT" REQUIREMENT.
6. MAXIMUM RUNNING SLOPE NOT TO EXCEED 8.33%.
7. MAXIMUM CROSS-SLOPE NOT TO EXCEED 2.00%.

B C201 NTS — CONCRETE SIDEWALK STAND ALONE

SCALE 1" = 20' (10 20 40)

W&A Engineering
CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
TRAFFIC ENGINEERING - SURVEYING
ECONOMIC DEVELOPMENT
355 Oneta Street, Suite D100
Athens, GA 30601
P: (706) 310-0400 • F: (706) 310-4011
waengineering.com

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ATHENS NEIGHBORHOOD HEALTH CLINIC EXPANSION

ATHENS-CLARKE COUNTY, GEORGIA

402 MCKINLEY DR - 11.31 ACRES

Know what's below. Call before you dig. 811

REVISIONS

DATE	COMMENT
10/18/21	PER A-CC PLAN REVIEW

CONSTRUCTION

INITIAL SUB. DATE: 08/24/2021

ISSUANCE DATE: 10/18/2021

GEORGIA REGISTERED No. 1308 PROFESSIONAL LANDSCAPE ARCHITECT JOHN M. WILLIAMS 10/18/2021

W&A PROJECT #: 20478

SITE PLAN

C201

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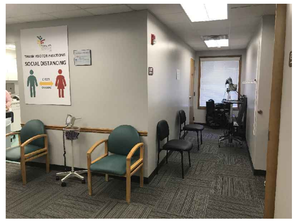


A



B



C



D



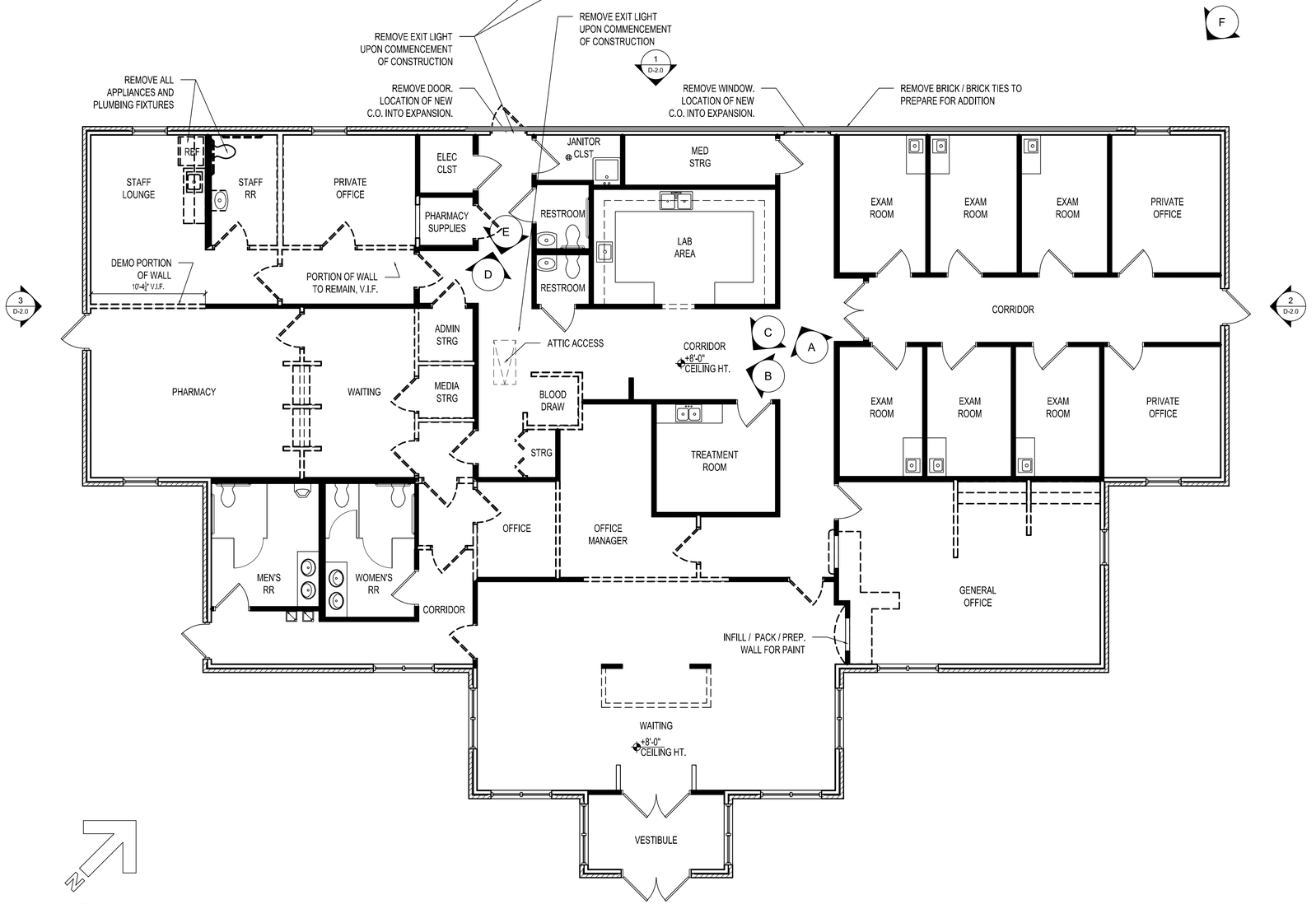
E



F

EXISTING CONDITIONS

N.T.S.



1 DEMO PLAN

3/16" = 1'-0"

Original Building Constructed in 1997

DEMO LEGEND	
SYMBOL	DESCRIPTION
	EXISTING DOOR
	DOOR TO BE REMOVED
	EXISTING WALL EXTERIOR OR INTERIOR PARTITION TO REMAIN.
	WALL TO BE REMOVED

GENERAL NOTES FOR DEMOLITION:

1. THE DEMOLITION DRAWINGS ARE GENERAL AND MAY NOT REFLECT ACTUAL FIELD CONDITIONS. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF THESE DRAWINGS WITH EXISTING FIELD CONDITIONS; AND HE SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF INCONSISTENCIES BETWEEN THESE DRAWINGS AND ACTUAL CONDITIONS BEFORE PROCEEDING WITH CONSTRUCTION.
2. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY IF ANY WORK INDICATED IN THE DEMOLITION DOCUMENTS CAN NOT BE PERFORMED DUE TO EXISTING FIELD CONDITIONS.
3. IF ANY EXISTING FIREPROOFING OR FIRE ASSEMBLIES (WHICH ARE SUPPOSED TO REMAIN) ARE DAMAGED DURING DEMOLITION, THEY SHALL BE REPAIRED TO CONFORM TO ORIGINAL FIRE PROTECTION REQUIREMENTS. INTEGRITY OF EXISTING RATED ROOFS, FLOORS AND WALLS (WHICH ARE SUPPOSED TO REMAIN IN PLACE) SHALL BE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION. CONTACT ARCHITECT TO VERIFY TESTED ASSEMBLIES TO BE USED FOR REPAIRS.
4. REMOVE EXISTING CONSTRUCTION AS INDICATED. TYPICAL WALL REMOVAL INCLUDES MECHANICAL, PLUMBING, ELECTRICAL COMMUNICATIONS AND INFORMATION SYSTEMS CONTAINED THEREIN. REMOVE DOORS, CASEWORK, WINDOWS, FRAMES, FINISHES AND OTHER FIXTURES AS REQUIRED. AFTER REMOVAL OF PIPE CHASES, PATCH HOLES IN EXISTING FLOORS OR WALLS TO REMAIN TO MEET ORIGINAL FIRE RESISTIVE RATINGS, FIRE PROTECTION AND STRUCTURAL REQUIREMENTS. PATCH ADJOINING WALLS, FLOOR AND DECK ABOVE. PREPARE SURFACES TO RECEIVE NEW FINISH PER INTERIOR DESIGNER'S DRAWINGS, SCHEDULES, LEGENDS AND SPECIFICATIONS. (WHERE NEW FINISH IS CALLED FOR ON EXISTING SURFACE, REMOVE THE EXISTING FINISH AND PREPARE SURFACE TO RECEIVE THE NEW FINISH.) FINISH SCHEDULE TO BE SUBMITTED SEPARATELY.
5. SEE MECHANICAL, PLUMBING, FIRE PROTECTION, ELECTRICAL, COMMUNICATIONS AND INFORMATION SYSTEMS DRAWINGS FOR DEMOLITION OF UTILITIES BUT ALL UNUSED PIPING OR OTHER MISC. UTILITIES SHALL BE REMOVED IF THEY WILL NOT BE UTILIZED IN THE PROJECT.
6. FOR EXTENT AND LOCATION OF CHANNELING OF EXISTING FLOOR SLABS REFER TO MECHANICAL, PLUMBING, ELECTRICAL, COMMUNICATIONS AND INFORMATION SYSTEMS DRAWINGS. IF EXISTING PIPING OR CONDUIT WORK (OTHER THAN THE DESIRED CONNECTION) IS ENCOUNTERED WHILE CHANNELING, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT BEFORE CONTINUING.
7. AT ALL WALLS WHICH ENCLOSE OR TOUCH SPACES WHERE WORK IS BEING DONE AS A PART OF THIS PROJECT, THE CONTRACTOR SHALL VERIFY THAT CONSTRUCTION OF THESE EXISTING WALLS (INCLUDING DAMPERS, DUCT PENETRATIONS, DOORS, DOOR FRAMES, ETC.) MEETS THE FIRE PROTECTION RATINGS DESIGNATED ON THESE DRAWINGS. HE SHALL ALSO MAKE ANY REPAIRS AND/OR MODIFICATIONS NECESSARY TO BRING THESE EXISTING WALLS (INCLUDING DAMPERS, DUCT PENETRATIONS, DOORS, DOOR FRAMES, ETC.) UP TO THE PROPER INDICATED FIRE PROTECTION RATING. DOORS AND/OR DOOR FRAMES IN THESE WALLS WHICH DO NOT MEET THE REQUIREMENTS OF THE DESIGNATED FIRE PROTECTION RATING (INCLUDING PROPER LABELS) SHALL BE REPLACED.
8. DEMOLITION WORK SHALL BE EXECUTED IN CONFORMANCE WITH ALL CODES AND ORDINANCES AS SET FORTH BY ALL GOVERNING AUTHORITIES.
9. THE CONTRACTOR SHALL BRACE ALL EXISTING STRUCTURES AND ALL STRUCTURAL ELEMENTS AS NECESSARY DURING DEMOLITION TO ENSURE SAFE CONDITIONS FOR OCCUPANTS AND ALL CONSTRUCTION PERSONNEL.
10. THE CONTRACTOR SHALL NOT CUT STRUCTURAL WORK IN A MANNER RESULTING IN A REDUCTION OF LOAD CARRYING CAPACITY OR LOAD/DEFLECTION RATIO. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ALL STRUCTURAL CUTS PRIOR TO EXECUTION SO THAT APPROVAL CAN BE OBTAINED FROM THE ARCHITECT AND STRUCTURAL ENGINEER.
11. WHERE EXISTING CONSTRUCTION IS FOUND TO CONTAIN ASBESTOS, NOTIFY THE OWNER AND THE ARCHITECT IN WRITING. REMOVAL, DISPOSAL AND REPLACEMENT OF THE ASBESTOS MATERIAL SHALL BE IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL REGULATIONS. [REPLACE THE ASBESTOS MATERIAL WITH NEW MATERIAL AS APPROVED BY THE OWNER AND ARCHITECT.]
12. ALL EXISTING FINISHES SHALL BE REMOVED AS APPROPRIATE FOR NEW LAYOUT AND FINISH APPLICATIONS.
13. ARCHITECT, OWNER, AND CONTRACTOR TO WALK THE SITE AFTER DEMOLITION TO REVIEW ANY FINDINGS THAT AFFECT FINAL DRAWINGS AND OR SYSTEMS.
14. G.C. TO REVIEW ENVIRONMENTAL REPORT BEFORE DEMOLITION BEGINS.
15. ALL FURNITURE TO BE MOVED PRIOR DEMOLITION. OWNER TO VERIFY WHICH FURNITURE TO REMAIN AND WHICH FURNITURE TO BE REMOVED.
16. REMOVE ALL WALL COVERINGS UNLESS NOTED OTHERWISE. PREPARE FOR NEW WALL FINISH.
17. CONTRACTOR TO RETAIN ALL ARCHITECTURAL ELEMENTS FOR REUSE AS POSSIBLE. ELEMENTS TO INCLUDE: MOLDING, DOORS, HARDWARE AND LIGHTING FOR LIKELY RE-INCORPORATION INTO THE PROPOSED FINAL FLOOR PLAN. G.C. TO CONFIRM FINAL DISPOSAL OF ELEMENTS WITH OWNER PRIOR TO REMOVAL FROM PROJECT SITE.
18. CONTRACTOR TO MODIFY EXIT SIGNAGE DURING CONSTRUCTION TO PROPERLY DISCHARGE OCCUPANTS.

1

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CONSULTING ENGINEERS:

ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:



03.14.2022

No.	Date	Issue Notes

Design Firm
E+E ARCHITECTURE
297 PRINCE AVE. SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

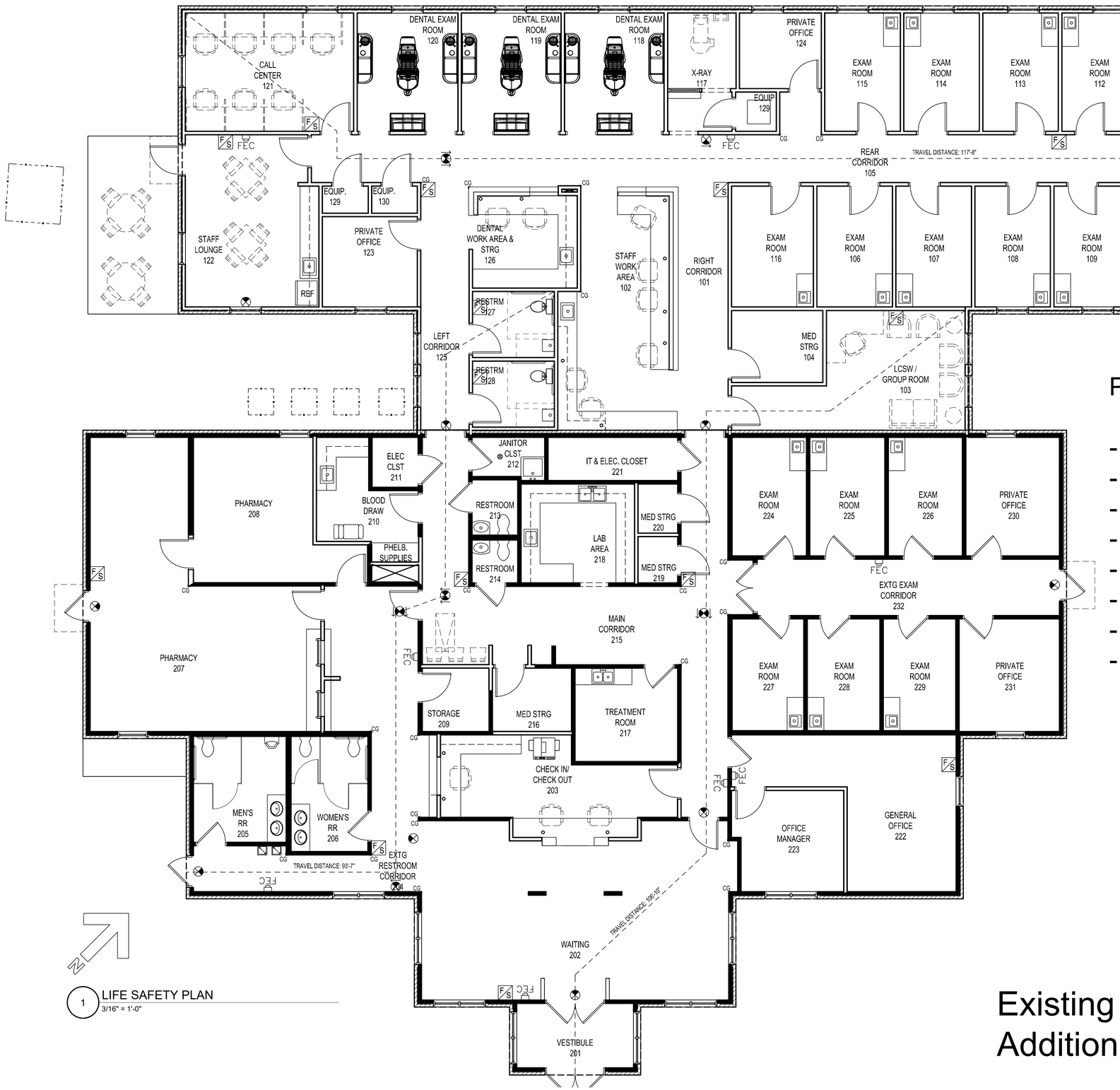
Drawing Title:

DEMOLITION PLAN

Date: 3.15.2022
CAD File Name:
Project Number: 2021-26

Drawing Number:

D-1.0



1 LIFE SAFETY PLAN
3/16" = 1'-0"

Programmatic Gains:

- 9 Exam Rooms
- 3 Dental Operatories
- Dental X-ray
- Mental Health space
- Expanded Pharmacy space
- Improved Staff Work Areas
- Consolidated call center
- Improved Patient Flow

Existing Building: 4,986 s.f.
Addition: 4,146 s.f.

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402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:

03.14.2022

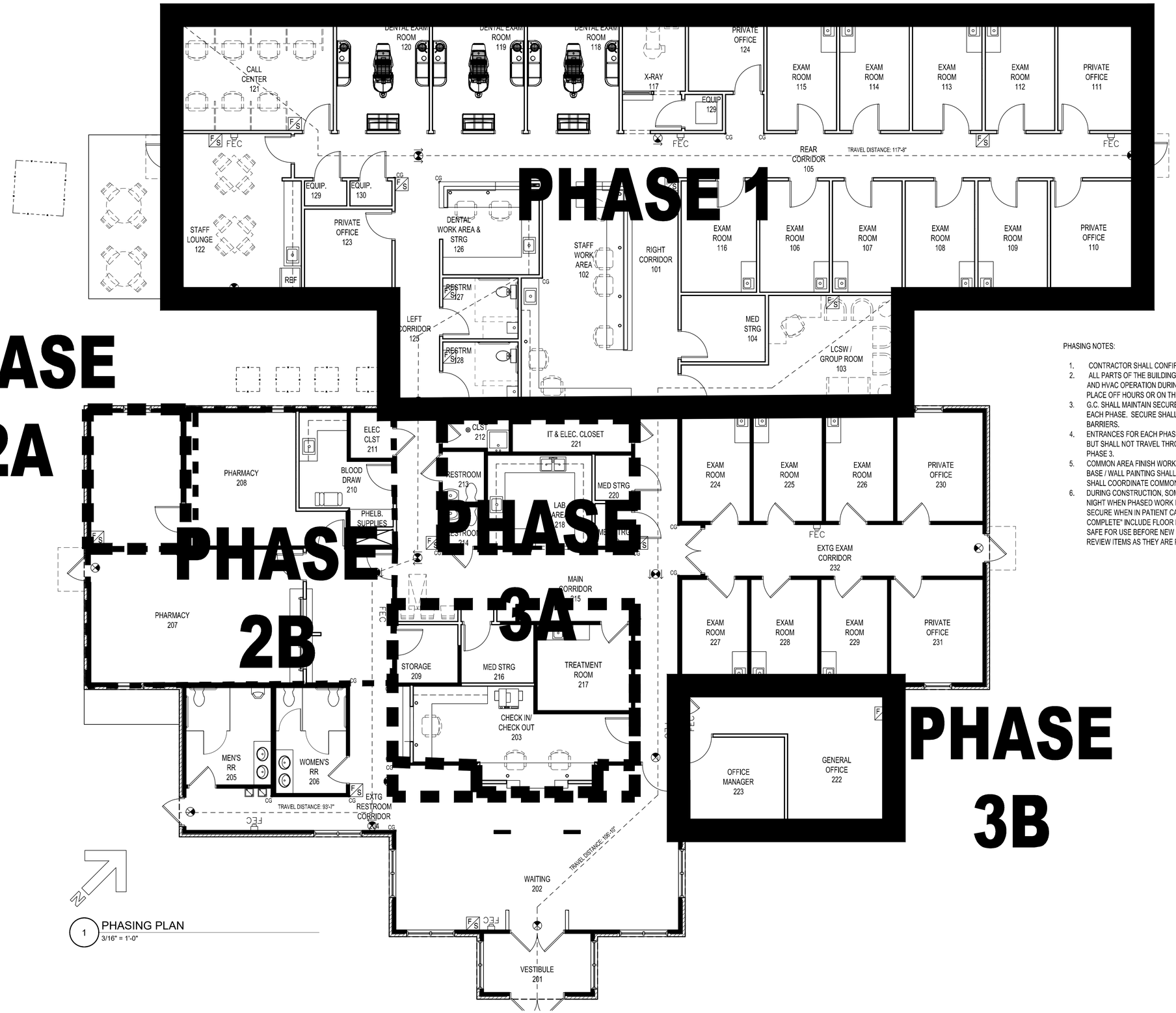
No.	Date	Issue Notes

Design Firm
E+E ARCHITECTURE
297 PRINCE AVE. SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

Drawing Title:
LIFE SAFETY PLAN

Date: 3.15.2022
Project Number: 2021-26
CAD File Name:

Drawing Number:
LS-1.0



1 PHASING PLAN
3/16" = 1'-0"

PHASING NOTES:

1. CONTRACTOR SHALL CONFIRM PHASING AT KICK OFF MEETING.
2. ALL PARTS OF THE BUILDING SHALL HAVE MAINTAINED POWER, PLUMBING AND HVAC OPERATION DURING OPERATING HOURS. CONNECTIONS SHALL TAKE PLACE OFF HOURS OR ON THE WEEKENDS.
3. G.C. SHALL MAINTAIN SECURE AND DUST-PROOF TEMPORARY PARTITIONS AROUND EACH PHASE. SECURE SHALL BE INTERPRETED AS PLYWOOD OR SHEET ROCK BARRIERS.
4. ENTRANCES FOR EACH PHASE SHALL BE AS APPROVED BY ARCHITECT / OWNER BUT SHALL NOT TRAVEL THROUGH FINISHED WORK EXCEPT FOR AS ALLOWED IN PHASE 3.
5. COMMON AREA FINISH WORK IS NOT BOUND BY PHASING. WORK SUCH AS FLOOR / BASE / WALL PAINTING SHALL TAKE PLACE OFF HOURS. GC AND DESIGN TEAM SHALL COORDINATE COMMON AREA UPGRADES UPON COMPLETION OF PHASE I.
6. DURING CONSTRUCTION, SOME PARTIALLY COMPLETE WORK MAY REMAIN OVER NIGHT WHEN PHASED WORK IS UNDERWAY BUT MUST BE CLEAN, SAFE AND SECURE WHEN IN PATIENT CARE OR PUBLIC SPACE. EXAMPLES OF "PARTIALLY COMPLETE" INCLUDE FLOOR REMOVAL OF ONE SPACE OVERNIGHT, CLEAN AND SAFE FOR USE BEFORE NEW FLOOR IS PLACED. DESIGN TEAM AND OWNER SHALL REVIEW ITEMS AS THEY ARE PROPOSED BY G.C.

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CONSULTING ENGINEERS:

ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:

STATE OF GEORGIA
KEVIN WAYNE EDWARDS
CERTIFICATE NO. 030862
REGISTERED ARCHITECT

03.14.2022

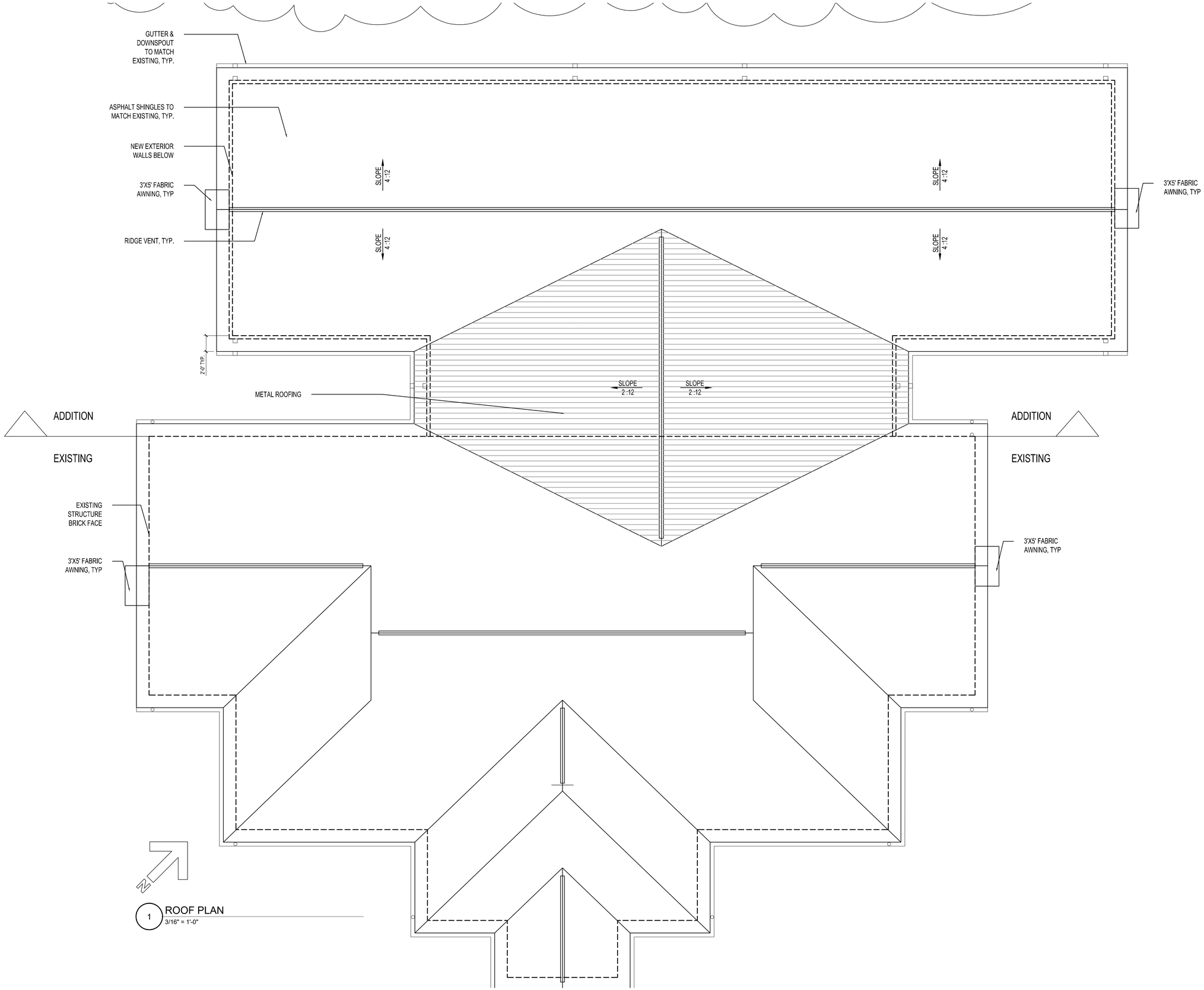
No.	Date	Issue Notes

Design Firm
E+E ARCHITECTURE
297 PRINCE AVE, SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

Drawing Title:
PHASING PLAN

Date: 3.15.2022
CAD File Name:
Project Number: 2021-26

Drawing Number:
A-0.5



1 ROOF PLAN
3/16" = 1'-0"

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ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:



03.14.2022

No.	Date	Issue Notes

Design From:
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297 PRINCE AVE. SUITE 28B
ATHENS, GEORGIA
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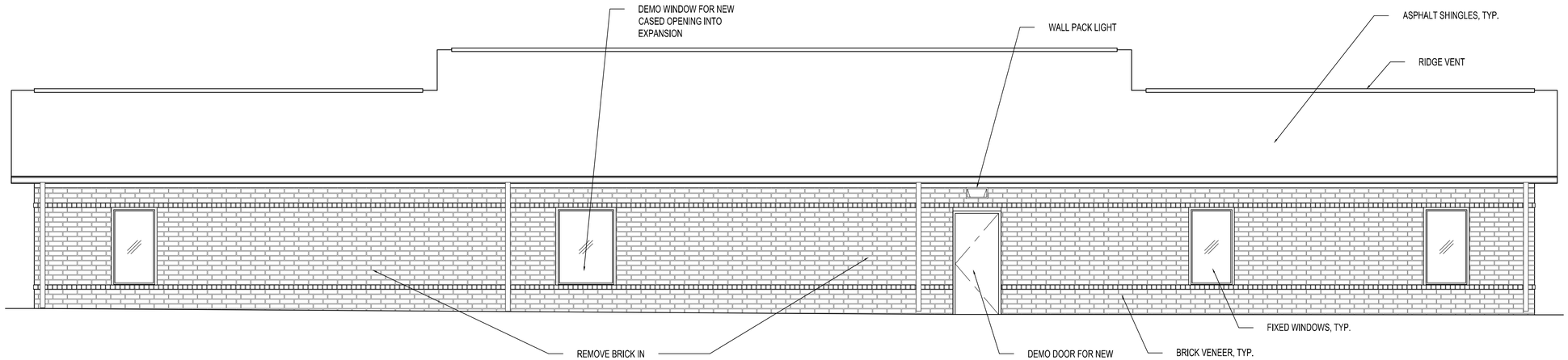
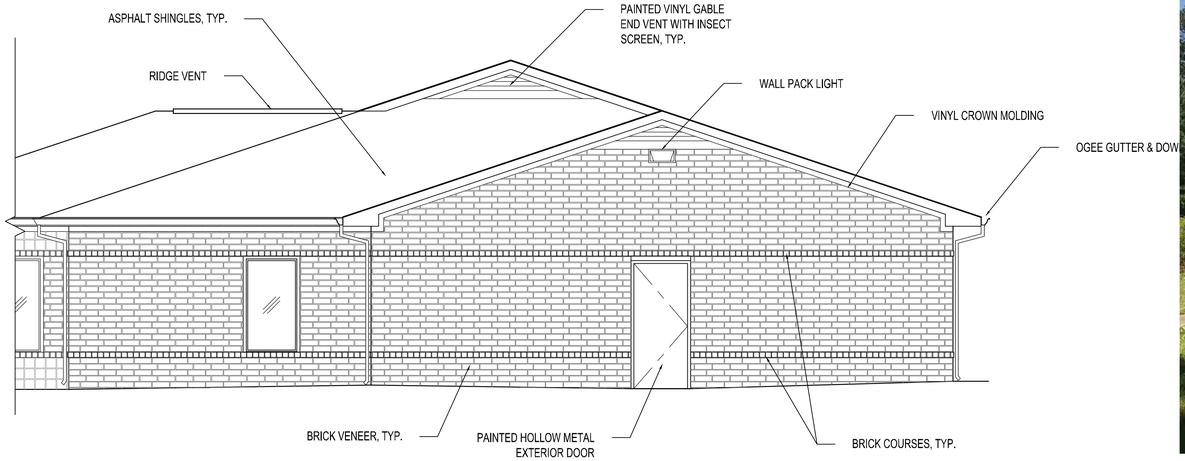
Drawing Title:
ROOF PLAN

Date: 3.15.2022
CAD File Name:
Project Number: 2021-26

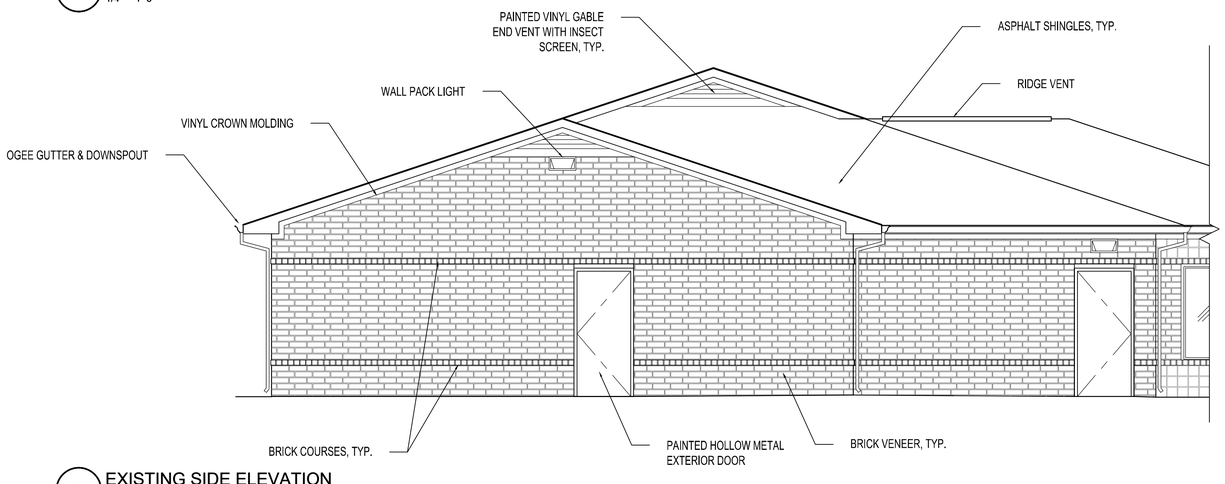
Drawing Number:
A-1.2



1 EXISTING REAR ELEVATION
1/4" = 1'-0"



2 EXISTING SIDE ELEVATION
1/4" = 1'-0"



3 EXISTING SIDE ELEVATION
1/4" = 1'-0"





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ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:



03.14.2022

No.	Date	Issue Notes

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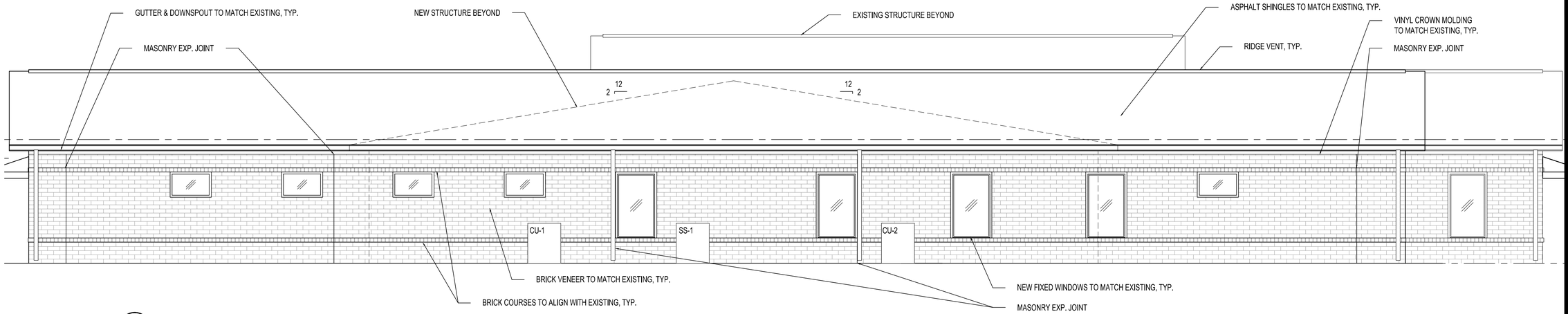
E+E ARCHITECTURE
297 PRINCE AVE. SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

Drawing Title:
EXISTING EXTERIOR ELEVATIONS

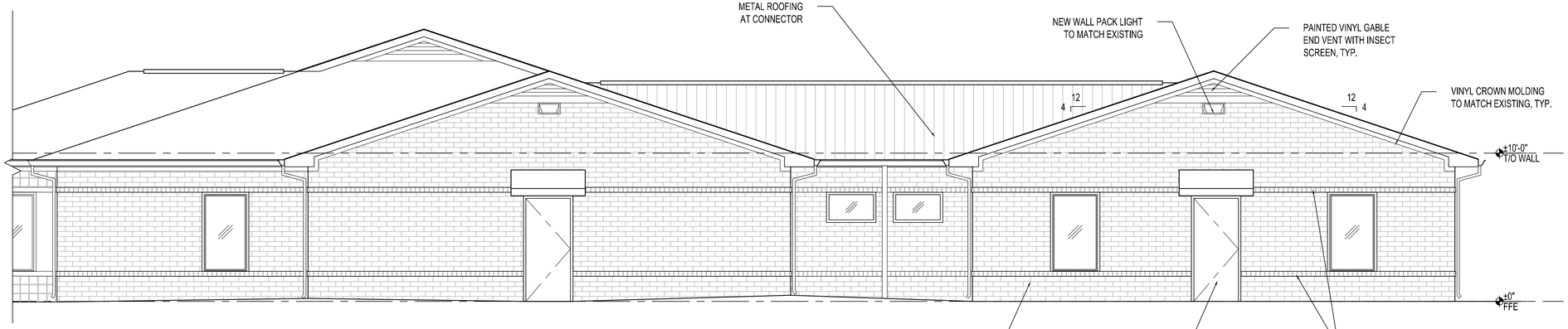
Date	Project Number
3.15.2022	2021-26
CAD File Name	

Drawing Number:
D-2.0

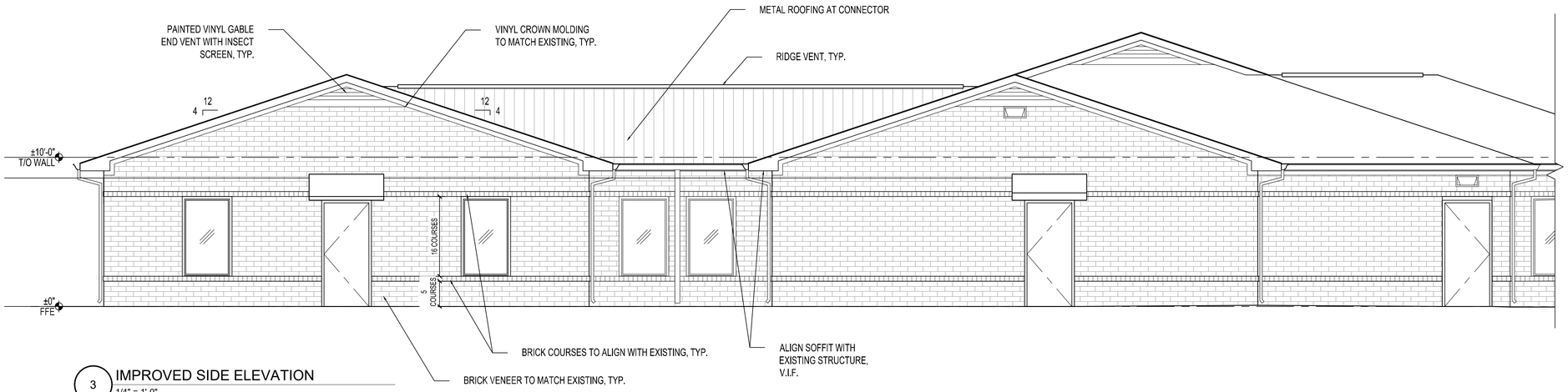


1 IMPROVED REAR ELEVATION
1/4" = 1'-0"

1



2 IMPROVED SIDE ELEVATION
1/4" = 1'-0"



3 IMPROVED SIDE ELEVATION
1/4" = 1'-0"

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CONSULTING ENGINEERS:

ATHENS NEIGHBORHOOD HEALTH CENTER
402 MCKINLEY DRIVE
ATHENS, GEORGIA

Seal:



03.14.2022

No.	Date	Issue Notes

Design Firm:

ARCHITECTURE
297 PRINCE AVE. SUITE 28B
ATHENS, GEORGIA
O: 706.850.1330

Drawing Title:

IMPROVED EXTERIOR ELEVATIONS

Date: 3.15.2022
CAD File Name:
Project Number: 2021-26
Drawing Number: A-2.0

STATE OF GEORGIA
ATHENS-CLARKE COUNTY

LEASE AGREEMENT

THIS LEASE AGREEMENT (hereinafter this "**Agreement**") is entered into on this _____ day of _____, 2022 (the "**Effective Date**"), by **UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA**, a political subdivision of the State of Georgia (hereinafter "**ACCGov**"), and **ATHENS MODEL NEIGHBORHOOD HEALTH CENTER, INC.**, a Georgia nonprofit corporation (hereinafter "**ANHC**"). ACCGov and ANHC are sometimes referred to herein each as a "**Party**" and collectively as the "**Parties**."

W I T N E S S E T H:

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which hereby are expressly acknowledged, it is mutually agreed and covenanted by and between the Parties to this Agreement as follows:

1. Definitions. For purposes of this Agreement, the following terms shall have the following meanings, unless the context requires otherwise:

(a) "ACCGov" shall have the meaning given to such term in the preamble to this Agreement.

(b) "ACCGov Releasees" shall have the meaning given to such term in Section 27(a) of this Agreement.

(c) "ACCGov Representative" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(d) "ACCGov Representative Fee Cap" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(e) "Agreement" shall have the meaning given to such term in the preamble to this Agreement.

(f) "ANHC" shall have the meaning given to such term in the preamble to this Agreement.

(g) "ANHC's Personal Property" shall have the meaning given to such term in Section 7(c) of this Agreement.

(h) "ANHC Releasees" shall have the meaning given to such term in Section 27(b) of this Agreement.

(i) "ANHC's Work" shall have the meaning given to such term in Section 8 of this Agreement.

(j) "Building" shall mean the Existing Building and the Expansion Building.

(k) "Change Orders" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(l) "Commencement Date" shall mean the date construction of the Expansion Improvements pursuant to the Plans and Specifications is completed as provided in Section 8 of, and the Work Letter attached to, this Agreement.

(m) "Construction Costs" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(n) "Effective Date" shall have the meaning given to such term in the preamble to this Agreement.

(o) "Escrow Account" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(p) "Existing Building" shall mean those buildings and similar structures located on the Land on the Effective Date, excluding all other Improvements and excluding the Land.

(q) "Existing Lease" shall have the meaning given to such term in Section 32 of this Agreement.

(r) "Extension Notice" shall have the meaning given to such term in Section 3(b) of this Agreement.

(s) "Extension Term" and "Extension Terms" shall have the meanings given to such terms in Section 3(b) of this Agreement.

(t) "Existing Improvements" shall mean and shall include all buildings, structures, driveways, parking areas and other improvements now located on the Land (including, without limitation, the Existing Building), and any fixtures and equipment now located in or upon any of same. The term "Existing Improvements" does not include the Land or the Expansion Improvements.

(u) "Expansion Building" shall mean those buildings and similar structures to be constructed on the Land as a part of ANHC's Work, excluding all other Improvements and excluding the Land.

(v) "Expansion Improvements" shall mean and shall include all buildings, structures, driveways, parking areas and other improvements to be constructed on the Land (including, without limitation, the Expansion Building) as a part of ANHC's Work, and any fixtures and equipment to be located in or upon any of same as a part of ANHC's Work. The term "Expansion Improvements" does not include the Land or the Existing Improvements.

(w) "Event of Default" shall have the meaning given to such term in Section 12(b) of this Agreement.

(x) "Improvements" shall mean the Existing Improvements and the Expansion Improvements.

(y) "Initial Term" shall have the meaning given to such term in Section 3(a) of this Agreement.

(z) "Land" shall mean that certain land described on **Exhibit "A"** and **Exhibit "A-1"** attached hereto and incorporated herein by reference.

(aa) "Lease Year" shall mean the period beginning on the Commencement Date and ending at 11:59 p.m. EST on the last day of the twelfth (12th) full calendar month following the Commencement Date and each twelve (12) month period thereafter.

(bb) "Medical Wastes" shall mean all bio-hazardous and other wastes, trash and refuse that result from the practice of medicine and requires special handling, such as, for example only, syringes and disposable gloves.

(cc) "Party" and "Parties" shall have the meanings given to such terms in the preamble to this Agreement.

(dd) "Plans and Specifications" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(ee) "Premises" shall mean the Land, together with the Improvements, and together, further, with all rights, privileges and easements appurtenant thereto.

(ff) "Regulations" shall have the meaning given to such term in **Exhibit "C"** to this Agreement.

(gg) "Term" shall have the meaning given to such term in Section 3(a) of this Agreement.

(hh) "Work Letter" shall have the meaning given to such term in Section 8 of this Agreement.

2. Premises. In consideration of the covenants and agreements to be performed by ANHC and for the rent and upon the terms and conditions stated herein, ACCGov hereby lets and leases to ANHC, and ANHC hereby takes and accepts from ACCGov, the Premises.

3. Term.

(a) The initial term of this Agreement shall commence on the Effective Date and shall expire at 11:59 p.m. EST on the last day of the fifth (5th) Lease Year (the "**Initial Term**"), unless earlier terminated pursuant to the terms of this Agreement. The Initial Term and the Extension Terms (as hereinafter defined) are collectively referred to herein as the "**Term**."

(b) ANHC shall have the right to extend the Initial Term for three (3) separate but successive periods of five (5) Lease Years each (each an "**Extension Term**" and collectively, the "**Extension Terms**"), upon the same terms and conditions as herein contained, except that no additional options to extend shall apply following expiration of the last Extension Term. Each Extension Term shall be exercisable by written notice given to ACCGov (each an "**Extension Notice**") at least ninety (90) days prior to expiration of the Initial Term or the then-current Extension Term, as the case may be. If ANHC fails to timely exercise its right to extend the Initial Term or the then-current Extension Term, as the case may be, by delivering an Extension Notice by the deadline as stated in this Agreement, then ANHC's right to exercise such Extension Term shall continue until the tenth (10th) day after the date on which ANHC receives a notice from ACCGov informing ANHC that ANHC has failed to timely exercise its right to exercise such Extension Term, during which period, ANHC may still exercise said right by delivering an Extension Notice to ACCGov, failing which the right shall be null and void

and ANHC shall surrender possession of the Premises at the end of the Initial Term or the then-current Extension Term, as the case may be.

(c) When the Commencement Date, the expiration date of the first Lease Year of this Agreement and the expiration date of the Initial Term of this Agreement become certain as provided herein, ACCGov and ANHC shall, within three (3) days after receipt of written request by the other Party, execute and deliver an Addendum to Lease Agreement in substantially the form attached hereto as **Exhibit "B"** and incorporated herein by reference.

(d) If ANHC remains in possession of the Premises after expiration or termination of the Term of this Agreement, with ACCGov's acquiescence and without any agreement between the Parties, ANHC shall be a tenant at-will and such tenancy shall be subject to all the provisions hereof, except that a monthly rent shall be negotiated for the entire holdover period and there shall be no renewal of this Agreement by operation of law.

4. Rent. ANHC will pay rent in the amount of One and No/100 Dollars ($1.00) per Lease Year during the Term.

5. Permitted Use.

(a) ANHC shall use the Premises for the purpose of providing medical, dental, behavioral health and pharmaceutical services. ANHC shall not use the Premises, or any part thereof, for any purpose in violation of any law, ordinance, or regulation of any governmental authority; in any manner that will constitute a nuisance or an annoyance; or for any hazardous purpose (provided, however, ANHC shall be permitted to use, store and dispose of Medical Wastes).

(b) During the Term of this Agreement, ANHC shall have the right to use all common areas serving the Premises, including, without limitation, all parking areas and sidewalks, whether now or hereafter existing.

6. Utilities. ANHC shall be responsible for the costs of all electricity, water, sewer, gas, telephone, storm water, solid waste, security alarm systems, computer network, and custodial services furnished to the Premises during the Term. ANHC shall be responsible for all charges, fees, and agreements for appropriate design, sizing, delivery, installation,

hook-up, meters, and use of water, sewer, natural gas, and electricity furnished to the Premises, including the Improvements.

7. Maintenance.

(a) For and in consideration of ACCGov's interest in the Expansion Improvements and ANHC's use of the Premises for a purely charitable purpose, ACCGov shall be responsible, at ACCGov's sole cost and expense, for maintaining (i) all structural portions of the Premises, including, without limitation, foundations, walls, roofs and sprinkler systems, and (ii) all non-structural portions of the Premises, including, without limitation, all electrical systems, HVAC systems, plumbing, carpentry, fire safety devices, graffiti removal and sewer lines. In addition, ACCGov shall be responsible for all landscape maintenance of the Premises, including, without limitation, mowing, trimming, maintenance of plant material and pruning.

(b) ANHC shall be responsible for maintaining ANHC's Personal Property. "**ANHC's Personal Property**" shall mean all trade fixtures, trade equipment, furniture and personal property installed or placed by ANHC on the Premises, whether owned or leased and regardless of the manner of attachment, including, without limitation, medical equipment. ANHC's Personal Property shall not be deemed a part of the Premises, shall remain the property of ANHC and may be removed by ANHC at any time during the Term. ACCGov waives any provision of law granting a lien upon, or the right of distraint upon, ANHC's Personal Property and agrees that within ten (10) days after receipt by ACCGov of a written request from ANHC, ACCGov shall execute and deliver to ANHC, or its designee, any lien waivers or subordination agreements with respect to such property in form and substance reasonably acceptable to ANHC and any designee of ANHC.

8. Construction of Expansion Improvements on Premises. All construction work which is required to complete the Expansion Improvements is referred to herein as "**ANHC's Work.**" ANHC is hereby authorized to construct the Expansion Improvements, including, without limitation, the Expansion Building, in accordance with the Plans and Specifications and the work letter attached hereto as **Exhibit "C"**, **Exhibit "C-1"** and **Exhibit "C-2"** and incorporated herein by reference (collectively, the "**Work Letter**"),

and such further improvements as may be required by applicable law. ANHC shall be solely responsible for the initial costs of the Expansion Improvements. Construction of the Expansion Improvements on the Premises shall be completed on or before September 14, 2024.

9. Ownership of Improvements. Title to the Existing Improvements is, and shall be, vested in ACCGov during the Term. Title to the Expansion Improvements shall be vested in ACCGov, and shall become ACCGov's property and part of the Premises, when made.

10. Alterations. At any time following the Commencement Date and without the consent of ACCGov, ANHC may make minor alterations, additions or improvements to the Premises as deemed desirable by ANHC for the conduct of ANHC's business; provided, however, ANHC shall have no right, without the prior written consent of ACCGov (which consent shall not be unreasonably withheld, conditioned or delayed), to make structural alterations, additions or improvements to the Premises, including but not limited to, alterations, additions or improvements to the exterior of the Premises, HVAC, electrical, plumbing, or other utilities. All permitted alterations, additions and/or improvements shall be made at ANHC's sole cost and expense, in a good workmanlike manner, in compliance with applicable law and shall become ACCGov's property and part of the Premises when made. Upon completion of any such work, ANHC shall provide to ACCGov lien waivers and other evidence reasonably satisfactory to ACCGov that no lien will be claimed against the Premises.

11. Ad Valorem Taxes. To the extent required under federal law or the laws of the State of Georgia, ACCGov shall be responsible for any and all ad valorem taxes assessed against the Improvements commencing on the Effective Date and continuing throughout the Term of this Agreement. ANHC will be responsible for any and all taxes assessed against ANHC's Personal Property.

12. Reimbursement.

(a) In the event this Agreement is terminated for any reason prior to expiration of the third (3rd) Extension Term, in addition to ANHC's other remedies provided in this Agreement, ACCGov shall reimburse ANHC for the unamortized portion of the Construction Costs determined on a straight-line (monthly) basis over the unexpired

portion of the Term (including all Extension Terms, whether or not exercised). Said reimbursement shall be delivered to ANHC within thirty (30) days of termination of this Agreement.

(b) Notwithstanding the foregoing, in the event ANHC commits an Event of Default and fails to cure such Event of Default within all applicable cure periods, and as a result, ACCGov terminates this Agreement, then ACCGov shall not be required to reimburse ANHC for any portion of the Construction Costs.

For purposes of this Section 12(b), each of the following events shall constitute an "**Event of Default**" under this Agreement:

(i) Failure to Pay Rent. If ANHC fails to pay rent or other charges payable hereunder when such rent or charges become due hereunder and ANHC fails to make payment therefor within thirty (30) days after written notice of such failure by ACCGov to ANHC;

(ii) Non-Performance. If ANHC fails to perform, in any material respect, any obligation (other than the payment of rent or other charges) of ANHC hereunder, and such non-performance continues for a period of thirty (30) days following receipt of written notice thereof from ACCGov (or if performance cannot reasonably be made within the thirty (30)-day period, ANHC has not in good faith commenced performance within such thirty (30)-day period or fails to diligently prosecute such performance to completion thereafter); and

(iii) Bankruptcy. If ANHC files a petition in bankruptcy or makes an assignment for the benefit of creditors.

(c) Notwithstanding the foregoing, in the event ANHC terminates this Agreement, except in accordance with the terms of this Agreement, including, without limitation this Section 12(c) or Section 14 below, ACCGov shall not be required to reimburse ANHC for any portion of the Construction Costs.

ACCGov will be in default under this Agreement if ACCGov fails to perform, in any material respect, any obligation of ACCGov hereunder, and such non-performance continues for a period of thirty (30) days following receipt of written notice thereof from ANHC (or if performance cannot reasonably be made within the thirty (30) day period,

ACCGov has not in good faith commenced performance within such thirty (30) day period or fails to diligently prosecute such performance to completion thereafter). If ACCGov fails to cure a default hereunder within the applicable cure period, ANHC may, at its option, terminate this Agreement immediately by providing written notice thereof to ACCGov.

(d) The provisions of this Section 12 shall survive the expiration or earlier termination of this Agreement.

13. Damage and Destruction.

(a) If all of the Improvements are completely damaged or destroyed, or any part of the Improvements is damaged or destroyed so that ANHC cannot use the remainder of the Improvements for substantially the same purposes as immediately prior to the damage or destruction, ANHC shall give prompt written notice thereof to ACCGov. ACCGov shall proceed with reasonable diligence to restore or rebuild the damaged or destroyed part or all of the Improvements.

Notwithstanding anything in this Section 13(a) to the contrary, ACCGov shall have no obligation to restore or rebuild if the Term of this Agreement remaining on the date of such damage or destruction is less twelve (12) months, including any Extension Term exercised on the date of damage or destruction, but excluding all other Extension Terms. In either such event, ACCGov shall have the right to terminate this Agreement as of the date of such damage or destruction by giving written notice thereof to ANHC within sixty (60) days after the date of such damage or destruction, and ACCGov and ANHC shall account for rent and any other amounts payable by ANHC as of that date. If this Agreement is so terminated, all insurance proceeds attributable to destruction or damage of the Improvements described above shall belong to ACCGov. All insurance proceeds attributable to destruction or damage of ANHC's contents shall belong to ANHC.

(b) If any part of the Improvements is damaged or destroyed but ANHC can use the remainder of the Improvements for substantially the same purposes as immediately prior to the damage or destruction, ANHC shall give prompt written notice thereof to ACCGov. ACCGov shall promptly restore or rebuild the damaged or destroyed part of

the Improvements to a condition at least as good as the condition which existed immediately prior to the damage or destruction. All insurance proceeds attributable to destruction or damage of ANHC's contents shall belong to ANHC.

(c) The Parties covenant and agree to cooperate with one another in their efforts to collect insurance proceeds payable to such Parties.

14. Condemnation.

(a) ACCGov shall give prompt notice to ANHC of any condemnation of any portion or all of the Premises. For purposes of this Section 14, words and phrases referring to condemning or condemnation shall refer to statutory condemnation, exercise of the private or public power of eminent domain, proceedings in the nature of condemnation, and any sale or transfer made in lieu of or under threat of condemnation or exercise of the private or public power of eminent domain and shall include any such condemnation for permanent or for temporary use of or interference with any part or all of the Premises.

(b) If, prior to the Commencement Date, the entire Premises are condemned, this Agreement shall terminate effective as of the date the condemning authority acquires any interest in the Premises through condemnation. If, prior to the Commencement Date, any part of the Premises is condemned so that ANHC cannot construct the Expansion Improvements upon the remainder of the Premises in such a manner that the ANHC will be capable of utilizing the Premises for substantially the same purposes as authorized by this Agreement and in substantially the same manner as set forth in the Plans and Specifications, ANHC may terminate this Agreement effective as of the date the condemning authority acquires any interest in the Premises through condemnation, by giving ACCGov written notice of intent to terminate within thirty (30) days after ACCGov gives ANHC notice of the condemnation. In the event of any other condemnation prior to the Commencement Date, this Agreement shall not terminate. Any termination under this Section shall have the same effect as an early termination of this Agreement, and ACCGov and ANHC shall account for rent and any other amounts payable by ANHC as of that date.

If any part of the Premises is condemned prior to the Commencement Date and this Agreement is not terminated as specifically provided in this Section, ACCGov and

ANHC shall modify the Plans and Specifications as is prudent and reasonable to complete construction of the Expansion Improvements in a manner as near as practicable to the original Plans and Specifications. No termination of this Agreement shall affect ACCGov's right to compensation for any condemnation. ACCGov shall be entitled to the full award or proceeds payable with respect to the Premises by reason of any such condemnation, and neither ACCGov nor ANHC shall have any claim to any award or proceedings payable to the other.

(c) If, after the Commencement Date, the entire Premises are condemned, the Term of this Agreement shall terminate on the date when possession of the Premises is taken by the condemning authority. If, after the Commencement Date, any part of the Premises is condemned so that ANHC cannot use the remainder of the Premises for substantially the same purposes as immediately prior to the condemnation (including, without limitation, the loss of any point of access to and from the Premises or the loss of any parking spaces on the Premises), ANHC may terminate this Agreement on the date when possession of the Premises is taken by the condemning authority, by giving ACCGov written notice of intent to terminate within sixty (60) days after ACCGov gives ANHC notice of the condemnation. In the event of any other condemnation, this Agreement shall not terminate. Any termination under this Section shall have the same effect as an early termination of this Agreement, and ACCGov and ANHC shall account for rent and any other amounts payable by ANHC as of that date. If any part of the Premises is condemned and this Agreement is not terminated as specifically provided in this Section, the rent shall be abated in the same proportion as usable space in the Building has been rendered unusable by reason of such condemnation. The abatement of rent shall be effective from the date when the condemning authority takes possession of the part of the Premises condemned through the remainder of the Term of this Agreement. No termination of this Agreement and no abatement in rent shall affect the ACCGov's right to compensation for any condemnation. ACCGov shall be entitled to the full award or proceeds payable with respect to the Premises by reason of any such condemnation, and neither ACCGov nor ANHC shall have any claim to any award or proceedings payable to the other.

15. Notice to Parties. All notices required or permitted to be given under this Agreement shall be in writing and deemed given when either (a) hand delivered by the sender and properly address to the attention of the responsible person of the receiving Party as listed below; (b) deposited in the United States mail, properly addressed, with sufficient postage affixed, via first class mail, return receipt requested; (c) mailed via Federal Express, UPS, or similar national overnight courier service with delivery charges prepaid; or (d) if an email address for the receiving Party is identified below, sent by email to the email address specified below. Any notice sent by email shall also be sent by one of the other delivery methods set forth above. All notices shall be addressed as follows:

ACCGov

Central Services
ATTN: Central Services Director
P.O. Box 1868
Athens, GA 30603
Gavin.Hassemer@accgov.com

ANHC

Athens Neighborhood Health Center
ATTN: Marcus Garner
P.O. Box 147
Athens, GA 30603
mgarner@aneighbor.org

With a copy to:

Unified Government of Athens-Clarke County, Georgia
ATTN: Blaine Williams
301 College Ave., Suite 303
Athens, GA 30601
Blaine.Williams@accgov.com

Any of the above-mentioned Parties may, by like notice, designate any further or different addresses to which subsequent notices shall be sent. Any notice hereunder signed on behalf of the notifying party by its identified attorney at law shall be valid and effective to the same extent as if signed by such party. Any notice or other communications shall be deemed delivered when actually received at the address of the party to whom directed or, if sent by mail, three (3) days after such notice or document is deposited in the United States mail, as provided above, or if sent by Federal Express, UPS or similar national overnight courier service, one (1) business day after such notice or document is deposited therewith, or if sent by email, at the time of transmission.

16. Governing Law; Attorneys' Fees. This Agreement shall be governed by the laws of the State of Georgia. All actions arising under this Agreement or its subject matter shall be commenced and filed in a court of competent jurisdiction in Athens-Clarke County, Georgia, or if federal jurisdiction is applicable, shall be commenced and filed in the U.S. District Court for the Middle District of Georgia, Athens Division. The Parties hereby submit to the personal jurisdiction of the state and federal courts as herein provided, and any courts of appeal therefrom. In the case any successful action is brought by ACCGov to enforce the terms and provisions of this Agreement, ANHC will, on the entry of a final, non-appealable judgment, pay for all costs, expenses and reasonable attorneys' fees actually incurred ACCGov in enforcing the covenants and agreements of this Agreement.

17. Severability. The Parties intend for this Agreement to be valid and enforceable as written and executed; however, if any provision of this Agreement is held as a matter of law to be unenforceable or illegal, the remainder of this Agreement shall be enforceable without such provision.

18. Entire Agreement. The Parties acknowledge that this Agreement sets forth the entire agreement and understanding between ACCGov and ANHC and fully supersedes any and all prior agreements or understanding among the Parties pertaining to the same subject matter. ACCGov and ANHC affirm that the only consideration for their agreement to execute, and their execution of this Agreement, are the terms stated herein. This Agreement and the covenants and conditions contained herein shall be binding upon and in use to the benefit of each of the Parties hereto and their respective successors, assigns, and successors in title. The Parties further acknowledge that they fully understand the meaning and intent of this Agreement, including but not limited to its binding effect. The Parties acknowledge that they have had the benefit of consulting with an attorney before executing this Agreement.

19. Force Majeure. Anything in this Agreement to the contrary notwithstanding, neither ACCGov nor ANHC shall be deemed in default with respect to any provision, covenant, or condition of this Agreement on the part of either of them respectively to be performed if the performance thereof shall be delayed, interfered with or rendered impossible because of any strike, lockout, civil commotion, war, war-like operation, invasion,

insurrection, rebellion, hostilities, revolution, military or usurped power, sabotage, epidemic or pandemic, act of God or other cause beyond the control or neglect of such party, and provided, further, that such performance shall be resumed and completed with due diligence and reasonable dispatch as soon as the contingency causing such delay or impossibility shall abate.

20. Compliance with Immigration Laws and Regulations. To the extent required by law, ANHC shall be responsible for complying with the Georgia Security and Immigration Compliance Act of 2006 (O.C.G.A. §§ 13-10-90 & 13-10-97) and the Rules of the Georgia Department of Labor implementing the Georgia Security and Immigration Compliance Act of 2006 (Rules 300-10-1-.01 through 300-10-1-.09). To the extent required by law, ANHC affirms and agrees that it is currently registered and participates in the federal work authorization program to verify information of all new employees pursuant to O.C.G.A. § 13-10-91(b). ANHC affirms and agrees that, to the extent required by law, any and all contractors and subcontractors that it will use for construction of the Expansion Improvements are registered and participate in the federal work authorization program to verify information of all new employees. The failure to abide by the provisions and agreements set forth in this Section shall constitute a breach and a default of this Agreement.

21. Relationship of Parties. This Agreement shall not be deemed or construed by the Parties, or by any third party, as creating the relationship of (i) principal and agent, (ii) partnership, or (iii) joint venture between the Parties. Neither the method of computation of rent nor any other provision of this Agreement nor any acts of the Parties are other than in the relationship of landlord and tenant.

22. ANHC Insurance Requirements ANHC shall, at its own expense, provide and maintain during the entire performance of this Agreement, at least the kinds and minimum amounts of insurance specified below. The insurer(s) listed on the certificate of insurance shall be in good standing within the State of Georgia through the Insurance Commissioner's Office and must be rated "A" or better and a financial category of VII of higher with AM Best Company. ANHC shall provide ACCGov with a certificate of insurance evidencing the required kinds and amount of insurance:

(a) General Liability - General aggregate $2,000,000; $1,000,000 per occurrence; Damage to rented premises $300,000; Medical expense (to any one person) $10,000; Person and Adv Injury $1,000,000;

(b) Worker's Compensation - State of Georgia statutory limits/$1,000,000;

(c) Automobile Liability - Automobile Liability shall be written on the comprehensive form of policy-combined single limits of at least $1,000,000 to include hired automobiles and non-owned automobiles.

ACCGov shall be covered as an additional insured under the aforementioned general liability and automobile liability insurance required to be maintained by ANHC under this Agreement. ANHC shall provide a primary and non-contributory endorsement in favor of ACCGov and notice of cancellation endorsement. Confirmation of this shall appear on the accord certificate of insurance, and on any and all applicable insurance policies; however, this requirement does not apply to worker's compensation insurance. Copies of endorsements showing ACCGov, P.O. Box 1868, Athens, Georgia 30601, has been added to the policies as an additional insured shall be attached to each of the certificates. In addition, ANHC shall maintain a property insurance policy in an amount sufficient to cover the Improvements, with a copy of said property insurance to be submitted and approved by ACCGov upon completion of the Expansion Improvements.

23. Entry and Inspection; Medical Records. ANHC shall permit ACCGov or ACCGov's agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same. ACCGov acknowledges that ANHC is a medical facility engaged in the provision of medical treatment to patients at the Premises. ACCGov further acknowledges that a necessary part of the operation of ANHC's business is the collection and storage of medical records and patient information which, under applicable law, constitute confidential information. ACCGov agrees not to take, and to not permit its agents to take, any action which may compromise the confidentiality of any patient's medical or financial information and should ACCGov or ACCGov's agents come into possession of any such records, ACCGov agrees to take, and to cause ACCGov's agents to take, all necessary steps and precautions to protect such confidential information.

24. Waiver. The various rights and remedies herein granted to the Parties shall be cumulative and in addition to any other rights or remedies the Parties may be entitled to by law or in equity, and the exercise of one or more rights or remedies shall not impair a Party's right to exercise any other right or remedy. All such rights and remedies may be exercised and enforced concurrently or consecutively and whenever and as often as the applicable Party shall deem desirable. The failure of either Party to insist upon strict performance by the other Party of any of the covenants, conditions, and agreements of this Agreement shall not be deemed a waiver of any of said rights and remedies concerning any subsequent or continuing breach or default by such other Party of any of the covenants, conditions, or agreements of this Agreement. No surrender of the Premises shall be affected by ACCGov's acceptance of rent or by any other means whatsoever unless the same be evidenced by ACCGov's written acceptance of such as a surrender. In case of dispossessory proceedings, ACCGov may avail itself of the summary proceedings available under O.C.G.A. §§ 4-7-70, *et seq*., in addition to all other remedies otherwise available at law, by statute or in equity.

25. Right to Cure.

(a) In the event ANHC fails to cure any Event of Default within all applicable cure periods, ACCGov shall have the right, but not the obligation, upon notice to ANHC, to cure such Event of Default at ANHC's sole cost and expense, and ANHC shall reimburse ACCGov for such expenses upon demand.

(b) In the event ACCGov fails to cure any ACCGov default under this Agreement (i) within all applicable cure periods or (ii) if the default adversely affects ANHC's operations on the Premises, renders the Premises untenantable or is in connection with an emergency that involves the immediately likelihood of personal injury or significant property damage, ANHC shall have the right, but not the obligation, upon notice to ACCGov, to cure such default at ACCGov's sole cost and expense, and ACCGov shall reimburse ANHC for such expenses upon demand.

26. Heirs, Assigns, Successors. This Agreement is binding upon and inures to the benefit of the respective heirs, assigns and successors in interest to the Parties.

27. Indemnification.

(a) To the extent allowed by applicable law, ANHC hereby waives, releases, relinquishes, discharges and agrees to indemnify, protect and save harmless ACCGov, its officers and employees (collectively, "**ACCGov Releasees**"), from any and all claims, demands, liabilities, losses, costs or expenses, including attorneys' fees, for any loss or damage for bodily injury, property damages and attorneys' fees related thereto caused by, growing out of, or otherwise happening in connection with this Agreement, and due to any act or omission on the part of ANHC, its agents, employees, subcontractors, or others working at the direction or on behalf of ANHC. ANHC's obligation to indemnify the ACCGov Releasees shall survive the expiration or termination of this Agreement by either Party for any reason.

(b) To the extent allowed by applicable law, ACCGov hereby waives, releases, relinquishes, discharges and agrees to indemnify, protect and save harmless ANHC, its officers and employees (collectively, "**ANHC Releasees**"), from any and all claims, demands, liabilities, losses, costs or expenses, including attorneys' fees, for any loss or damage for bodily injury, property damages and attorneys' fees related thereto caused by, growing out of, or otherwise happening in connection with this Agreement, and due to any act or omission on the part of ACCGov, its agents, employees, subcontractors, or others working at the direction or on behalf of ACCGov. ACCGov's obligation to indemnify the ANHC Releasees shall survive the expiration or termination of this Agreement by either Party for any reason.

28. Representations. Both Parties represent that they are fully authorized and empowered to enter into this Agreement, and that the performance of the obligations under this Agreement will not violate or infringe upon the rights of any third-party or violate any agreement between the Parties and any other person, firm or organization or any law or governmental regulation.

29. Amendments. This Agreement may not be modified or amended except by mutual agreement in writing signed by the Parties hereto.

30. Time. Time is of the essence of this Agreement.

31. Counterparts. This Agreement may be executed in one or more counterparts and by facsimile, e-mail .pdf, or other electronic form of communication. Each counterpart shall

constitute an original, and all counterparts, taken together, shall constitute one and the same instrument.

32. Termination of Existing Lease. ACCGov and ANHC entered into that certain Lease Agreement dated June 2, 2022 (together with any and all amendments thereto, the "**Existing Lease**"). The Existing Lease shall be and is hereby terminated and cancelled as of 11:59 p.m. EST on the calendar day prior to the Effective Date, with the same force and effect as if the term of the Existing Lease were, by the terms thereof, fixed to expire at 11:59 p.m. EST on the calendar day prior to the Effective Date.

33. Special Stipulations. The Parties understand that this Agreement is subject to the Georgia Local Government Public Works Construction Law; provided, however, procurement of ANHC's architect and the ACCGov Representative shall not be subject to the Georgia Local Government Public Works Construction Law. Subject to the foregoing, ANHC shall, in consultation with the ACCGov Representative, follow procurement procedures in accordance with the Georgia Local Government Public Works Construction Law and in compliance with Georgia law. ACCGov shall assist with registering the Project on the State Procurement Registry and will oversee the proposal/bid process.

[SIGNATURES TO FOLLOW ON NEXT PAGES]

IN WITNESS WHEREOF, ACCGov and ANHC have caused their proper officers to hereunto set their hands and affix their seals the day and year first above written.

ACCGOV:

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

By: _____
Name: Kelly Girtz
Title: Mayor

Attest: _____
Name: Jean Spratlin
Title: Clerk of Commission

(SEAL)

[SIGNATURES CONTINUE ON NEXT PAGE]

ANHC:

ATHENS MODEL NEIGHBORHOOD HEALTH CENTER, INC.

By: _____
Name: _____
Title: _____

Attest: _____
Name: _____
Title: _____

(CORPORATE SEAL)

EXHIBIT A

DESCRIPTION OF PREMISES

All that tract or parcel of land, together with all improvements thereon, situate, lying and being in the 216th G.M.D., Athens-Clarke County, Georgia, containing 0.588 acre, more or less, and being shown and designated as "Lease Area" according to that certain plat of survey entitled "LEASE EXHIBIT SURVEY FOR: ATHENS NEIGHBORHOOD HEALTH CENTER - EAST", dated July 6, 2022, prepared by W&A Engineering, Willard Coy Tunnell, Jr., Georgia Registered Land Surveyor (No. 3224), a reduced copy of such plat being attached hereto as **Exhibit "A-1"** and incorporated herein by reference for a more complete description of the above-described property.

EXHIBIT A-1

SURVEY OF PREMISES

(See Attached)

EXHIBIT B

ADDENDUM TO LEASE AGREEMENT

THIS ADDENDUM TO LEASE AGREEMENT (this "**Addendum**") is entered into on this _____ day of _____, 20____ (the "**Effective Date**"), by **UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA**, a political subdivision of the State of Georgia (hereinafter "**ACCGov**"), and **ATHENS MODEL NEIGHBORHOOD HEALTH CENTER, INC.**, a Georgia nonprofit corporation (hereinafter "**ANHC**"). ACCGov and ANHC are sometimes referred to herein each as a "**Party**" and collectively as the "**Parties**."

W I T N E S S E T H:

THAT WHEREAS, the Parties entered into that certain Lease Agreement (the "**Agreement**") dated _____, 2022, and the Parties are desirous of evidencing the "**Commencement Date**," the expiration date of the first "**Lease Year**" of the Agreement and the expiration date of the "Initial Term" of the Agreement, all as set forth below;

NOW, THEREFORE, for and in consideration of the premises, and the mutal covenants and agreements of the Parties in the Agreement, the Parties hereby agree as follows:

(i) The Commencement Date under the Agreement is _____, 20___, and the expiration date of the first Lease Year is _____, 20___; and

(ii) Unless earlier terminated as provided in the Agreement, the Initial Term of the Agreement shall expire at 11:59 p.m. EST on _____, 20___.

Except as expressly set forth herein, all terms, covenants and provisions of the Agreement shall remain in full force and effect.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties have executed this Addendum as of the day and year first above written.

ACCGOV:

UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

By: _____
Name: _____
Title: _____

Attest: _____
Name: _____
Title: _____

ANHC:

ATHENS MODEL NEIGHBORHOOD HEALTH CENTER, INC.

By: _____
Name: _____
Title: _____

Attest: _____
Name: _____
Title: _____

EXHIBIT C

WORK LETTER

1. ACCGov Representative. ACCGov may hire a representative (the "**ACCGov Representative**") for the purpose of performing periodic inspections of the Expansion Improvements during the performance thereof to confirm the Expansion Improvements are being performed in accordance with the Plans and Specifications. ANHC will reimburse ACCGov for the costs and expenses actually incurred by ACCGov for the ACCGov Representative hereunder; provided, however, in no event shall ANHC be required to reimburse ACCGov for costs and expenses under this Section 1 of this Work Letter in excess of fourteen thousand eight hundred eighty one and 00/100 Dollars ($14,881.00) in the aggregate (the "**ACCGov Representative Fee Cap**"). Such reimbursement shall be due within thirty (30) days following receipt from ACCGov of written request therefor, together with a detailed invoice from the ACCGov Representative for such costs and expenses, and may be withdrawn by ANHC from the Escrow Account.
2. Approval of Plans and Specifications. The plans and specifications for the Expansion Improvements are attached hereto as **Exhibit "C-2"** and incorporated herein by reference (the "**Plans and Specifications**").
3. Escrow. ANHC shall be solely responsible for funding the initial costs of the Expansion Improvements. After approval of a binding construction contract for the Expansion Improvements, but prior to execution of said contract, ANHC shall deposit into an escrow account approved by ACCGov (the "**Escrow Account**") an amount equal to the amount payable by ANHC to the general contractor under the construction contract, plus (i) a contingency reserve in the amount of five (5%) of the amount payable by ANHC to the general contractor under the construction contract and (ii) the ACCGov Representative Fee Cap. ANHC shall make additional deposits, as necessary, to the Escrow Account to pay for any increased cost caused by any Change Orders. Upon the later to occur of: (i) completion of the Expansion Improvements, (ii) issuance of a Certificate of Occupancy for the Expansion Improvements and (iii) delivery to ACCGov final lien waivers and affidavits from ANHC's general contractor and any mechanical,

electrical or plumbing contractors, any unused escrow funds in the Escrow Account shall be returned to ANHC. ANHC will be permitted to withdraw funds from the Escrow Account to pay for costs and expenses in connection with the construction of the Expansion Improvements; provided, any payment of invoices shall require the signature of both ACCGov and ANHC prior to any release of funds from the Escrow Account. In the event ACCGov fails to sign, or dispute, any payment request from ANHC within one (1) business day from receipt thereof, ACCGov shall be deemed to have signed such request. ANHC shall retain sole ownership of any interest generated from the funds held in the Escrow Account. ANHC shall abide by any federal rules and/or regulations in regard to any federal funds used in connection with the construction of the Expansion Improvements.

4. Construction, Generally. The Expansion Improvements shall be constructed of durable and first-class building materials approved by ACCGov, which approval shall not be unreasonably withheld, conditioned or delayed. The Expansion Improvements shall be constructed in a diligent and professional manner consistent with projects of the size, complexity, and character of the Expansion Improvements, and shall otherwise comply with applicable laws, including applicable zoning laws, building codes, environmental laws, and other restrictions. ANHC shall cause portions of the Land upon which construction is occurring to be fenced from other portions of the parcel of which the Land is a part prior to commencement of construction. That certain parking lot, located between the Premises and that building presently being operated as the East Athens Educational Dance Center, and outlined in red on the site plan attached hereto as **Exhibit "C-1"** and incorporated herein by reference, is hereby dedicated for construction logistics and operations at all times during the construction of the Expansion Improvements. If at any time it becomes impossible for said parking lot to be dedicated for construction logistics and operations, ACCGov will notify ANHC at least three (3) business days in advance, and will diligently work with ANHC to provide a suitable temporary alternative location for construction logistics and operations. At all times during the construction of the Expansion Improvements, ANHC shall be responsible for ensuring that invitees to the Premises may access the Premises in accordance with ADA and shall not block access to the "Existing Bus Stop" as labeled on **Exhibit "C-1"** and outlined in blue or block access

to the "Existing Dumpster" as labeled on **Exhibit "C-1"** and outlined in green. The construction contract shall be reviewed and approved by ACCGov's attorney, or his designees, prior to execution. Following the execution of the construction contract, ACCGov's Central Services Director shall review and approve any change orders to the Expansion Improvements, which approval shall not be unreasonably withheld, conditioned or delayed beyond ten (10) days from receipt of such change order (all approved changes orders collectively being, the "**Change Orders**"). In the event ACCGov fails to respond to any change orders within ten (10) days of receipt thereof, such change orders shall be deemed approved. ACCGov shall be listed as a third-party beneficiary in the construction contract entered into between ANHC and the general contractor regarding the Expansion Improvements. The construction contract shall include a provision that prohibits ANHC from terminating the construction contract without the approval of ACCGov. The construction contract shall include a provision that requires both ANHC and the general contractor to provide simultaneous notice to ACCGov any time notice is being provided to a party under the terms of the construction contract. Construction of the Expansion Improvements shall be completed no later than September 14, 2024.

5. Permits. ANHC shall be responsible for securing all necessary permits and inspections for the Expansion Improvements prior to, during, and upon completion of construction of the Expansion Improvements, as applicable.

6. Utilities. During construction of the Expansion Improvements, should it become necessary to temporarily turn off any utilities or otherwise interrupt utility service, ACCGov must approve any utility interruptions to neighboring facilities before they occur. ANHC shall identify times where utility service may be interrupted and provide a description of the proposed scope, duration or service interruption, and proposed implementation window and time. ACCGov may require changes to the duration or implementation timeline before approving any such utility interruption.

7. Contractor Insurance. ANHC shall ensure the general contractor procures and maintains at least the following coverage at all times during construction of the Expansion Improvements. The insurer(s) listed on the certificate of insurance shall be in good standing within the State of Georgia through the Insurance Commissioner's Office and

must be rated "A" or better and a financial category of VII of higher with AM Best Company. ANHC shall ensure the general contractor provides ACCGov with a certificate of insurance evidencing the required kinds and amount of insurance:

(a) Workers' Compensation - State of Georgia statutory limits

(b) Commercial General Liability with a combined single limit of $1,000,000.00 per occurrence and $2,000,000.00 general aggregate, with provisions adequate to protect against bodily injury by accident or disease (with limits of $1,000,000 each accident, $1,000,000 each employee and $1,000,000 policy limit); products and completed operations (aggregate for each annual period $2,000,000); fire damage (any one fire $50,000.00); and medical expenses (any one person $5,000.00).

ACCGov shall be covered as an additional insured under the insurance required under clause (b) of this Section 7 of this Work Letter. ANHC shall ensure that the general contractor involved in construction of the Expansion Improvements provides a primary and non-contributory endorsement in favor of ACCGov and a notice of cancellation endorsement. Confirmation of this shall appear on the accord certificate of insurance, and on any and all applicable insurance policies; however, this requirement does not apply to workers' compensation insurance. Copies of endorsements showing ACCGov, P.O. Box 1868, Athens, Georgia 30601, has been added to the policies as an additional insured shall be attached to each of the certificates.

8. Compliance with Zoning Restrictions. Irrespective of whether the Land or Premises would otherwise be subject to zoning ordinances based upon ACCGov's ownership, ANHC agrees to comply with all applicable zoning ordinances, regulations and requirements (the "**Regulations**") in Athens-Clarke County related to the Expansion Improvements; provided that ACCGov may, in its sole discretion, consent to ANHC seeking applicable variances, waivers or exemptions under the Regulations. ACCGov does not, by virtue of this Section 8 of this Work Letter, voluntarily submit itself to the jurisdiction of the Athens-Clarke County Planning Commission relating to the Land, the Premises, or otherwise.

9. Warranties. ANHC shall ensure the general contractor shall warrant, for a period of one (1) year from the date of completion of the Expansion Improvements, as "completion" is defined in the construction contract, that the completed work is free from all defects due

to faulty products or workmanship and the general contractor shall promptly make such corrections as may be necessary by reason of such defects. All warranties and guarantees for components of the Expansion Improvements shall, to the extent transferrable, be transferred to ACCGov following expiration of the one (1) year contractor warranty period. If requested, the general contractor or ANHC, as applicable, shall execute formal assignments of said manufacturer's warranties (to the extent assignable) to ACCGov following expiration of the one (1) year contractor warranty period. All such warranties shall be directly enforceable by ACCGov or if not directly enforceable by ACCGov, upon receipt of written request from ACCGov, ANHC agrees to use commercially reasonable efforts to enforce any warranties on behalf of ACCGov. Any such assignment shall in no way affect the contractor's responsibilities and duties during the contractor warranty period.

10. Completion of Improvements. Upon completion of the Expansion Improvements, ANHC shall provide ACCGov detailed invoices or receipts confirming the total cost of construction of the Expansion Improvements (collectively, the "**Construction Costs**").

EXHIBIT C-1

SITE PLAN

(See Attached)

EXHIBIT C-2

PLANS AND SPECIFICATIONS

(See Attached)

ATHENS NEIGHBORHOOD HEALTH CENTER ANHC

"Keeping Quality Healthcare in the Neighborhood."

November 30, 2021

Mayor Kelly Girtz
562 Pulaski Street
Athens, Georgia 30601
CC: Blaine Williams; Andrew Saunders

Mayor Girtz:

Athens Neighborhood Health Center, Inc., (ANHC), established in 1971, is a private, not-for-profit Community Health Center (CHC) and Public Housing Primary Care (PHPC) grantee. ANHC, through its three service delivery sites, two located in Zip Code 30601, serves the residents of Athens-Clarke County, Georgia. ANHC provides the full complement of comprehensive primary health care services across the lifecycles. On-site and through referral, services include primary care, oral health, mental health, substance use disorder services, enabling services, specialty care/services, education, pharmacy assistance, and comprehensive outreach. ANHC offers services to all residents of the service area regardless of language, gender, socio-economic status, sexual orientation, gender identification, physical and mental capacity, age, religion, housing status, and the ability to pay. Particular attention, however, is directed at reaching the low-income, the uninsured, the underinsured, individuals enrolled in Medicaid/Medicare, residents of Public Housing, and vulnerable populations.

Athens Neighborhood Health Center has partnered with Athens-Clarke County in several capacities over its time serving the Athens area, including leasing the building located at 402 McKinley Drive, Athens GA 30601, since approximately 1995. ANHC is grateful for this opportunity, and we wish to continue our lease for as long as possible. ANHC has begun planning expansion to this location, which would expand the building by adding 4,150 sq ft, making the total 9,150 sq. ft. As our patient population increases, Athens Neighborhood Health Center needs more space to meet the growing needs of the patient population.

This expansion will allow Athens Neighborhood Health Center to increase this location's medical patient capacity by more than double, introduce dental services, and will allow for increased behavioral health services including but not limited to group therapy options. After

meeting with our contracted architect, it has been determined through this project that we will add nine (9) medical exam rooms, bringing our total medical exam rooms to fifteen (15); three (3) dental exam rooms; one (1) dental X-ray room; one (1) dental work area; one (1) work area for clinical support staff; four (4) provider offices; one (1) medical storage area; one (1) call center; and two (2) restrooms (see attached schematic drawing). These expansions and additions will allow Athens Neighborhood Health Center to address the growing and changing needs of the patient population.

Athens Neighborhood Health Center is dedicated to its Mission of providing affordable high-quality healthcare to all individuals in Athens-Clarke County and surrounding area. ANHC believes that a 20-year lease is justifiable given our organization's history with Athens-Clarke County and continued demonstrations of our dedication to the community. This request is based on the funding required for such a large project in an effort to ensure this investment will be protected for the sake of ANHC's patients. Securing a longer lease term will allow ANHC to proceed with this expansion, and ultimately provide additional services to a larger number of patients. We believe this lease extension and site expansion is in the best interest of Athens Neighborhood Health Center, Athens-Clarke County Unified Government, and, most importantly, the residents of Athens-Clarke County.

Thank you,

/s/ Marcus Garner

Marcus Garner
Chief Executive Officer
675 College Avenue
Athens, Georgia 30601

ATHENS
NEIGHBORHOOD
HEALTH CENTER
ANHC



This addition gains nine exam rooms, three dental stations, one dental xray room, one mental health space, a call center, and improves staff support spaces.



ARCHITECTURE

ATHENS
NEIGHBORHOOD
HEALTH CENTER
ANHC



This addition gains nine exam rooms, three dental stations, one dental xray room, one mental health space, a call center, and improves staff support spaces.



ARCHITECTURE

AN ORDINANCE FOR THE THIRTY-FOURTH DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, like much of the world the United States, the State of Georgia, and the Unified Government of Athens-Clarke County, Georgia, ("ACCGov") are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

WHEREAS, COVID-19 is officially a global pandemic according to the WHO; and

WHEREAS, COVID-19 can spread from person to person, and can result in no symptoms, minor symptoms, or serious illness causing permanent organ damage and death; and

WHEREAS, individuals age 65 or over or living with certain medical conditions identified by the CDC (members of Vulnerable Populations) and members of other populations identified by the CDC ("Other Populations at Risk") are at risk of severe and lasting harm to health or death from COVID-19; and

WHEREAS, COVID-19 also has been reported to cause severe and permanent damage to some children; and

WHEREAS, the CDC has noted that COVID-19 spreads very easily and sustainably when an infected person (who may not exhibit symptoms at all, or only minor symptoms) talks, sneezes, or coughs in close proximity with others (within six feet); and

WHEREAS, on March 16, 2020, the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia adopted an Ordinance for the Declaration of Local State of Emergency related to COVID-19;

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 and renewed that declaration on April 21, 2020, June 2, 2020, July 7, 2020, July 30, 2020, August 18, 2020, September 15, 2020, October 6, 2020, November 4, 2020, December 1, 2020, January 6, 2021, February 2, 2021, March 2, 2021, April 6, 2021, May 4, 2021, June 1, 2021, June 15, 2021, July 20, 2021, August 3, 2021, September 7, 2021, October 5, 2021, November 2, 2021, December 7, 2021, January 4, 2022, February 1, 2022, March 1, 2022, April 5, 2022, May 3, 2022, June 7, 2022, June 14, 2022, July 19, 2022, and again on August 2, 2022; and

WHEREAS, the COVID-19 Omicron variant and its progeny (e.g., BA.2 and BA.5), which are even more transmissible than earlier variants, are on the rise globally and in the United States; and

WHEREAS, CNN reported on July 14, 2022, that a highly-transmissible new variant, BA.5, has become the leading cause of COVID-19 in the United States in just two months and that immunity from vaccinations or previous infections does not appear to provide much protection from BA.5 (even where someone was recently infected with variants like BA.1 and BA.2), and that experts continue to be concerned that at-home testing obscures the data and that true case increases may be as much as seven to ten times higher; and

WHEREAS, NPR reported on July 15, 2022, that the Mayo Clinic has described BA.5 as "hypercontagious" and that Dr. Gregory Poland, the head of the Mayo Clinic's Vaccine Research Group, has warned that "Whether you've been vaccinated, whether you've been previously infected, whether you've been previously infected and vaccinated, you have very little protection against BA.5 in terms of getting infected or having mild to moderate infection," although "You have good protection against dying, being hospitalized or ending up on a ventilator"; and

WHEREAS, the CDC indicates that a person's risk of exposure to COVID-19 infection is directly related to the risk of exposure to infectious persons, which is largely determined by the extent of COVID-19 circulation in the surrounding community; and

WHEREAS, CDC currently recommends using a combination of three metrics – new COVID-19 admissions per 100,000 population in the past 7 days, the percent of staffed inpatient beds occupied by COVID-19 patients, and total new COVID-19 cases per 100,000 population in the past 7 days – to assess the COVID-19 Community Level indicating the current level of community transmission; and

WHEREAS, as of Thursday, September 1, 2022, the CDC reports that the COVID-19 Community Level in Athens-Clarke County is high;

WHEREAS, according to the Georgia Department of Public Health COVID-19 update on Wednesday, August 31, 2022, (the "GDPH Update") Georgia now has 2,213,523 confirmed cases of COVID-19, including 29,336 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the GDPH Update, 32,998 individuals in Georgia have died and 124,272 have been hospitalized after contracting COVID-19; and

WHEREAS, Georgia earlier experienced a significant surge in COVID-19 cases due primarily to the Omicron variant, having recorded on January 7, 2022, its highest single-day total of new COVID-19 cases since the pandemic began; and

WHEREAS, the White House released a statement on March 3, 2022, indicating that (1) COVID-19 "continues to pose a risk to the American people and our health care system," (2) that we must "be prepared for possible future variants," and (3) that terminating the national emergency at this time would "unnecessarily and abruptly curtail the ability… to respond to the COVID-19 pandemic;"

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

WHEREAS, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor's Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors; and

WHEREAS, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State's economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts and subsequently renewed that declaration on July 22, 2021, August 19, 2021, September 20, 2021, October 21, 2021, November 19, 2021, December 17, 2021, January 18, 2022, February 18, 2022, and March 21, 2022; and

WHEREAS, on April 14, 2022, Governor Kemp signed an Executive Order declaring a State of Emergency for Supply Chain Disruptions to address the continuing economic harms caused by the COVID-19 pandemic and subsequently renewed that declaration on May 10, 2022, May 26, 2022, July 1, 2022, and September 1, 2022; and; and

WHEREAS, on February 18, 2022, Joseph Biden, President of the United States, issued notice stating that the national emergency declared on March 13, 2020 (and later extended on both February 24, 2021 and February 18, 2022) concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2022; and

WHEREAS, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, April 12, 2022, and July 16, 2022; and

WHEREAS, pursuant to the authority of O.C.G.A. § 38-3-28, local governments are specifically empowered to enact such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, and regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him; and

WHEREAS, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28, which authorize the Mayor and Commission to use emergency powers in O.C.G.A. §§ 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; and

WHEREAS, on July 27, 2021, the CDC issued guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

WHEREAS, the CDC issued guidance (most recently updated on March 24, 2022) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas with a high community level (and in a medium community level when around those who are at high risk for severe disease) to maximize protection from COVID-19; and

WHEREAS, requiring the use of masks is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to Sub-Sections (36) and (39) of Section 8-114 of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the following additional powers:

(17) Health: To prescribe and enforce heath and sanitation standards; and

(36) Emergencies: To provide for the determination, proclamation and combatting of emergencies; and

(39) General health, safety, and welfare: To define, regulate and prohibit any act, practice, conduct or use which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the unified government; and

WHEREAS, the United States Supreme Court has previously held that "[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members; and

WHEREAS, pursuant to this declaration, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue the previous provisions of its Twenty-Seventh Declaration and to additionally provide that persons within the jurisdiction of the Unified Government of Athens-Clarke County, Georgia, shall wear a mask over the nose and mouth indoors in public as described herein; and

WHEREAS, the following actions related to outdoor restaurant seating areas, outdoor retail areas, and the indoor mask mandate are necessary and appropriate to balance the public's interest in being free from undue restrictions with the compelling public interest of providing for the health, safety, and welfare of residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations or Other Populations at Risk; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, with advice from other subject matter experts, there exist

emergency conditions as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains and declares that a local state of emergency continues to exist within the territorial limits of the Unified Government of Athens-Clarke, County, Georgia, and shall continue until the conditions requiring this declaration are abated.

NOW, THEREFORE, because of the local state emergency ordained and declared above, the Commission of Athens-Clarke County, Georgia hereby ordains and orders the following:

SECTION 1.
Indoor Mask Mandate

(a) The provisions of Section 1 of this Ordinance shall only be enforced when the COVID-19 Community Level in Athens-Clarke County is "high" according to the Centers for Disease Control.

(b) For purposes of this Ordinance, the following terms are hereby defined as follows:

(1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.

(2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC

and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.

(3) *Polling place* means the room provided in each precinct for voting at a primary or election.

(4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.

(c) Except as otherwise provided in this Ordinance all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times when indoors.

(d) Facial coverings or masks are not required in the following circumstances:

(1) In personal vehicles or upon residential property;

(2) When a person is alone in enclosed spaces or only with other household members;

(3) When the individual has a bona fide religious objection to wearing a facial covering or mask;

(4) While drinking or eating;

(5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;

(6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;

(7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;

(8) Children under the age of ten (10) years;

(9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;

(10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and

(e) (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch Arial font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."

(2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (f).

(f) Violations of this Section 1 may be enforced by a notice of ordinance violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:

(1) A person who fails to comply with paragraph (c) of Section 1 of this Ordinance shall be first given a warning and an opportunity to put on a facial covering or mask, leave the entity, or comply with one of the exceptions in paragraph (d) of Section 1.

(2) If the person violating this Ordinance refuses or fails to comply with this Ordinance after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than $25.00 on the first offense and not more than $50.00 on the second and any subsequent offenses.

(3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by Athens-Clarke County.

(4) Violations of this ordinance shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity for the failure of their customers to comply with this ordinance.

(5) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.

(g) In all locations where facial coverings or masks are not required to be worn pursuant to this Ordinance, they are strongly encouraged to be worn.

SECTION 2.
Outdoor Retail Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any licensee possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who is participating in the Outdoor Retail Area Program pursuant to policy number MGR-008D entitled "A Policy to Extend the Outdoor Retail Areas Pilot Program for the Remainder of 2020," and who are transporting, serving, or consuming alcoholic beverages in the Outdoor Retail Area as approved by the Athens-Clarke County Central Services Department or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in said Outdoor Retail Area.

SECTION 3.

The Mayor and Commission adopt and make the findings discussed in the "Whereas" paragraphs the factual findings of the Mayor and Commission.

SECTION 4.

This Ordinance shall become effective at 8:00 a.m. on the next day following the Mayor's approval and will continue to be in effect until 11:59 p.m. on Wednesday, October 5, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 5.

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as

hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 6.

The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 7.

Copies of this Ordinance shall be: (1) promptly posted at Athens-Clarke County City Hall, 301 College Avenue, Athens, Georgia; (2) promptly posted on the www.accgov.com website; and (3) provided to any member of the public requesting a copy of this Order.

SO ORDERED AND ORDAINED this ___ day of September, 2022.

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA

_____
Kelly Girtz, Mayor

Attest: _____
Jean Spratlin, Clerk of Commission

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ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: August 4, 2022	**FILE NO: SUP-2022-04-1161; SUP-2022-04-1162; SUP-2022-4-1163**

LOCATION: 189, 191 & 193 Highland Park Drive
APPLICANT: Chris Church
OWNER: Freedom from Bondage, Inc.
REQUEST: Special Use in RM-1* (Mixed Density Residential Zoning with Conditions)
DISTRICT: 8

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Ms. Rowland made a motion to recommend approval. Ms. Gehring seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Present	X		
Sarah Gehring Present	X			Taylor Pass Present		X	
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall, Vice-Chair Present	X			Monique Sanders Present	X		
Alice Kinman Absent				Joey Tucker Absent			
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	6	1	

For: Chris Church
Against: None

Discussion: The applicant noted that there would be up to 12-14 residents rather than 21, as stated in the staff report. One unit would be reserved for staff. Prospective residents are recovering from substance abuse rather than transitioning from incarceration.

Motion: Ms. Rowland made a motion to recommend approval of all three special uses applications. Ms. Gehring seconded the motion, which passed 6-1.

STAFF RECOMMENDATION
SPECIAL USE PERMIT
SUP-2022-04-1161; SUP-2022-04-1162; SUP-2022-04-1163
189, 191 & 193 HIGHLAND PARK DRIVE
AUGUST 4, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT	Chris Church
OWNER	Freedom from Bondage, Inc.
REQUEST	Special Use in RM-1* (Mixed Density Residential Zoning with Conditions)
TYPE OF REQUEST	Type I – Special Use Permit
LOCATION	189, 191 & 193 Highland Park Drive
COUNTY COMMISSION DISTRICT	8
SIZE OF SUBJECT PROPERTY	0.77 acre (total of all three parcels)
PRESENT USE	Multifamily dwellings
PROPOSED USE	Halfway houses
TAX MAP NUMBERS	241A1 A012D
ADJACENT USES AND ZONING	(E) Halfway houses / Special Use in RM-1; triplex / RM-1
	(W) Single-family dwellings / RS-25
	(N) Triplex / RM-1
	(S) Single-family attached dwellings / RM-1
STAFF RECOMMENDATIONS	
189 Highland Park Drive	**Denial**
191 Highland Park Drive	**Denial**
193 Highland Park Drive	**Denial**
PLANNING COMM. RECOMMENDATIONS	
189 Highland Park Drive	**Approval**
191 Highland Park Drive	**Approval**
193 Highland Park Drive	**Approval**

II. PURPOSE

The purpose of this request is to seek approval of three Special Use Permits for a halfway house on property zoned RM-1* (Mixed Density Residential Zoning with Conditions). According to Section 9-8-2 of the Athens-Clarke County Zoning and Development Standards, a halfway house may be permitted within the RM-1 zone only after Special Use approval. If approved, the application report, site plan, and the architecture of the existing structure associated with this request will become binding for the proposed use.

Note: An application for a zoning decision for a halfway house follows the Type I procedure in Chapter 9-4 and the hearing provisions set forth in O.C.G.A. § 36-66-4, which require that the Mayor and

Commission public hearing be held at least six months and not more than nine months prior to the date of final action on the zoning decision. Therefore, the Mayor and Commission vote on the proposed halfway houses would be scheduled no sooner than March 2023.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The subject property currently consists of one parcel with a triplex. The subject property is located on the western side of Highland Park Drive, between Boulder Trail and Redstone Drive. The subject parcel and the adjacent parcels to the north, south and to the east are zoned RM-1 (Mixed Density Residential) and consist of triplex, duplex and single-family dwellings. Directly across the street are three single-family attached dwellings at 190, 192 and 194, and nearby are three additional single-family attached dwellings at 202, 204 and 206 with each dwelling containing a halfway house owned and managed by the applicant organization. These six halfway houses obtained Special Use approvals in 2019 and 2020, respectively. The subject property in the current application is not within a locally designated or National Register historic district, nor does it contain a locally designated historic landmark.

IV. PROPOSED DEVELOPMENT

The proposal includes an intended subdivision of the subject property into the three parcels shown on the submitted survey, thereby converting the triplex into three attached single-family dwellings. Each dwelling would be occupied as a halfway house. A halfway house within a RM (Mixed Density Residential) zoning district requires Special Use approval. An application report (with photographs of the existing residences) and a site plan of the existing conditions have been submitted. The application report states that the change of use will have "no physical changes to the building or the property." However, the single driveway, which wraps around the back of the triplex, has been recently augmented in the rear yard with a large gravel area and several trees around the property have been removed.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE LAND USE MAP

The 2018 Future Land Use Map designates the subject property as *Mixed Density Residential*, which is defined as follows:

These are residential areas where higher density residential development is allowed and intended. Limited nonresidential uses designated at a neighborhood scale may be incorporated into these areas (e.g., churches, schools, daycare facilities, small businesses and offices). Buildings should be oriented towards the street and include streetscape enhancements. Their design should include connections between uses, good pedestrian connections, and compatibility with public transit. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation.

The Special Use application does not include a request to change the existing RM-1 (Mixed Density Residential) zoning designation. All properties along Highland Park Drive share the *Mixed Density Residential* Future Development Map designation. Since the RM-1 zoning and the proposed use are

compatible with the *Mixed Density Residential* Future Land Use Map designation, an amendment to the Future Development Map is not required.

II. COMPATIBILITY WITH COMPREHENSIVE PLAN POLICIES

Under the heading of "Supportive Housing for People with Drug & Alcohol Addictions," the 2018 Comprehensive Plan specifically denotes Freedom from Bondage as a transitional facility that "provides housing and services for single women suffering from chemical dependency."

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to obtain a Special Use Permit, pursuant to Section 9-8-2, to allow an existing triplex structure to be used for three halfway houses within an RM-1 (Mixed Density Residential) zoning district. This application does not propose an amendment to the current RM-1 zoning designation.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

As defined in Athens-Clarke County Code Section 9-2-1, a Special Use is a use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions. As found in Section 9-20-5, the Athens-Clarke County Mayor and Commission shall consider the following:

A. Is the proposed use in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with relevant comprehensive plan policies implemented by Athens-Clarke County and with all state or federal laws?

Halfway houses within an RM-1 (Mixed Density Residential) zoning district require Special Use Permit approval. The application report, site plan, and the existing exterior elevations are binding to the development. It is the responsibility of the applicant to request variances for any deviations from applicable zoning and development standards. The binding plan and report do not release the developer from the responsibility for full compliance with all Athens-Clarke County codes not specifically waived by the terms of the Special Use Permit. Since no variance has been requested, the proposal shall comply with the zoning and development standards associated with implementing a halfway house within the RM-1 zoning district.

The existing triplex was constructed in 1986. The application report states that no house or site improvements are proposed. However, as previously noted, the driveway has been recently augmented in the rear yard with a large gravel area and several trees around the property have been removed. These improvements require a zoning permit and a tree management plan, respectively.

Staff finds that the proposed use is compatible with the Comprehensive Plan and the *Mixed Density Residential* Future Development Map designation.

Section 9-15-21 restricts halfway houses in RM-1 zones to having no more than ten residents. The request includes a subdivision plan to divide the subject property into three lots, and has filed three Special Use applications, one for each dwelling. Staff has been informed that each of the three dwelling units would house seven residents.

B. ***Is there adequate capacity of Athens-Clarke County facilities for water, sewer, paved access to and through the development, electricity, urban storm drainage, and adequate transportation that can and will be provided to and through the subject property?***

Athens-Clarke County water and sanitary sewer serves the property. Utilities servicing electrical, telephone and cable are privately held. The site plan denotes a single driveway serving all three dwellings, as well as an adjacent graveled area in the rear yard. The proposal does not include any building improvements. Athens-Clarke County Transit serves Highland Park Drive. The area lacks a public sidewalk network, and sidewalk is neither proposed nor required for the halfway house use.

C. ***Will the zoning proposal have an adverse impact on the surrounding area? When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered:***

1. ***Similarity in scale, bulk, and coverage.***
2. ***Character and volume of traffic and vehicular parking generated by the proposed use and the effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.***
3. ***Architectural compatibility with the surrounding area.***
4. ***The possible impact on the environment, including, but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality, including the generation of smoke, dust, odors, or other environmental pollutants.***
5. ***Generation of noise, light, and glare.***
6. ***The development of adjacent properties compatible with the future development map and the zoning district.***
7. ***Impact on future transportation corridors.***
8. ***Impact on the character of the neighborhood by the establishment or expansion of the proposed use in conjunction with similar uses.***
9. ***Other factors found to be relevant by the hearing authority for review of the proposed use.***

Existing subject property improvements include the residential structure, a driveway and rear-yard graveled area. No changes are proposed to the dwelling, which will maintain architectural compatibility with the other dwellings along Highland Park Drive.

Approval of the request would allow a potential maximum of nine adults to reside in each of the three dwelling units under the zoning code, but that number may be further restricted by State and minimum housing code standards. Due to the nature of the use, it can be expected that several residents may be dependent upon others for transportation, so traffic would likely resemble that of typical single-family residences. Staff has been informed that the rear yard graveled area is for outdoor gatherings.

The proposed use should not have an appreciable effect on air quality or water quality, or generate dust, odors, or other environmental pollutants beyond that of typical residential dwellings. Any

additional or changed lighting on the property would be required to meet current ordinance restrictions, which protect against glare. Noise is not expected to increase because of this proposal.

All adjacent parcels have been developed. Therefore, it is the opinion of Staff that the halfway house should not create any negative impact on the future development of the adjacent properties.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The request is for a Special Use Permit; the underlying RM-1 zoning will remain in place. Two previously approved halfway houses, operated by the same organization as the current request, are located across the street at 190, 192 and194 Highland Park Drive and at 212, 214 and 216 Highland Park Drive. Although the additional proposed halfway houses will not alter the balance of land uses in Athens-Clarke County, Staff is concerned about the effect on the residential street of adding three halfway houses in close proximity to the previously approved six halfway houses.

II. POPULATION

The three single-family attached dwellings would house a total of 21 residents, including staff.

III. ENVIRONMENT

According to the Athens-Clarke County Environmental Areas Map, no protected environmental areas are located on the subject property.

The ACC Arborist has reviewed the proposal and has the following tree management-related comment:

- *Trees have clearly been recently removed from the property, which requires approval of a tree management plan detailing the site work that has taken place. If more than five trees have been removed without the filing of a timber harvesting notice, then the subject property may be subject to a five-year development moratorium.*

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

The subject parcel has frontage on Highland Park Drive. Athens-Clarke County Transit serves the area. The area lacks a public sidewalk network, and sidewalk is neither proposed nor required for the halfway house.

The ACC Transportation & Public Works Department has reviewed the proposal and has no traffic-related comments.

V. GRADING AND DRAINAGE

No grading is proposed with this request. The ACC Transportation & Public Works Department has reviewed the proposal and has no grading or drainage-related comments.

VI. WATER AND SEWER AVAILABILITY

The Public Utilities Department comments that Athens-Clarke County water and sanitary sewer serve the subject property.

VII. FIRE PROTECTION

The Athens-Clarke County Fire Department has recommended approval with the following comments:

- Athens-Clarke County can provide fire protection without any services being negatively affected or additional cost in equipment or personnel.
- No additional hydrants are needed.
- Fire apparatus can access this project. A turnaround is not needed.
- All buildings must meet the requirements of Fire code NFPA 101 (2018 edition) and State amendments.

RECOMMENDATION

I. STAFF RECOMMENDATION – Denial

This request is for approval to obtain the necessary local permit for a halfway house use. The subject property and residence are not noticeably different from nearby residential dwellings, with similar trip generation, lot coverage, bulk, and scale as the immediately surrounding properties. Staff finds that this project by itself would be in accordance with the principles of the Comprehensive Plan and the *Mixed Density Residential* Future Development designation.

Staff recognizes the community need for such organizations and the desire of the organizations to concentrate their properties for easier supervision and management. However, the proposal to convert the existing triplex dwellings into three halfway houses, when combined with two earlier approved Special Use Permits, would result in nine approved halfway houses within 100 feet of each other. The potential six to ten residents in each of the nine dwellings, more than doubling the number of residents in a typical household, could have a negative effect on future investments in nearby properties. While a single halfway house or even a few such dwellings may be able to successfully blend in with other dwellings without notice, the concentration of nine such residences in close proximity would likely be evident.

Furthermore, the previously noted concerns with Code compliance should be addressed prior to approval of a binding site plan:

1. The site plan should be revised to provide an updated lot cover percentage and a method of permanent edging for the recently graveled area in the rear yard, so as to prevent the spread of gravel and to prevent the allowance of additional parking area.
2. A tree management plan review is needed to determine whether the recently removed trees brought the property into noncompliance with the timber harvesting notice requirement. [Note: If more than five trees have been removed, then the property would be subject to a 5-year moratorium on any development permits.]

Therefore, Staff recommends denial of the three requested Special Use Permits.

II. PLANNING COMMISSION RECOMMENDATION – APPROVAL

The Planning Commission considered this request at their regularly scheduled meeting on August 4, 2022 and recommended approval.

III. CURRENT STATUS

The Planning Commission recommendation is tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on August 16, 2022. The Mayor and Commission are tentatively scheduled to hear this request on September 6, 2022. Following the provisions set forth in O.C.G.A. § 36-66-4, the public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision.

Report for 189, 191, & 193 Highland Park Drive

Zoning Criteria for Type I Applications

1. The Future Development Map and its intended outcome, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.

2. The proposal will not adversely affect the balance of land uses in Athens-Clarke County.

3. Public facility elements of the Comprehensive Plan and how the proposed change will affect the provision of the services anticipated in the plan.

4. The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.

5. The existing land use pattern surrounding the property in issue.

6. The possible creation of an isolated district unrelated to adjacent and nearby districts.

7. The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.

8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment.

12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

13. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

Public Notice

In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property on July 15, 2022.


N
Boulder Trl
Blackmor Ct
Essex Ct
Cedar Shoals Dr
Highland Park Dr
Norwood Ct
Bayberry Ct
McDuffie Dr
McDuffie Ct
Crest Way
Holcomb Dr
189, 191
& 193 HIGHLAND PARK DRIVE

Binding

8/9/22

SUPERIOR COURT CLERKS

The plat has been approved in accordance with the Athens-Clarke County Subdivision Regulations.

PLANNING DIRECTOR _____ DATE _____

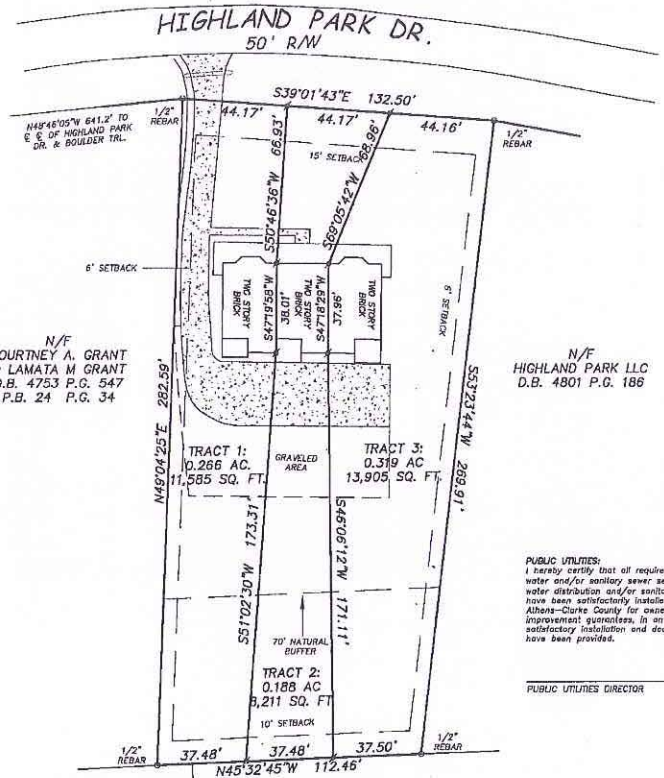
PUBLIC WORKS:
I hereby certify that all required improvements necessary to provide all streets and other required public improvements in accordance with plans submitted to Athens-Clarke County by the subdivider's professional representatives have been satisfactorily completed or have been adequately guaranteed in an amount sufficient to secure satisfactory installation.

All drainage and access easements shown are the maintenance responsibility of the property owner per ACC policy.

PUBLIC WORKS DIRECTOR _____ DATE _____

LEGEND

I.P.F.	= IRON PIN FOUND
O.T.P.	= OPEN TOP PIPE
R/W	= RIGHT OF WAY
P.L.	= PROPERTY LINE
G.M.D.	= GEORGIA MILITIA DISTRICT
N/F	= NOW OR FORMERLY
D.B.	= DEED BOOK
P.B.	= PLAT BOOK
PG.	= PAGE
W	= WATER METER
	= DENOTES POINT ONLY
	= POWER POLE
	= FIRE HYDRANT
	= WATER VALVE
	= TELEPHONE PED
	= TV PEDESTAL
	= CLEAN OUT
	= LIGHT POLE



SURVEYOR CERTIFICATIONS:
AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAT, OR PLAN FOR FILING:

PARCEL INFO:
1. TOTAL TRACT AREA: 33,703.97 SQ.FT.
2. CURRENT TAX PARCEL: 241 A2 A0120
3. CURRENT ZONING: RM-1
5. CURRENT OWNER: FREEDOM FROM BONDAGE INC.
ADDRESS: P.O. BOX 80744
ATHENS, GA. 30608
SITE ADDRESS: 189 HIGHLAND PARK DR.
ATHENS, GA. 30608
6. BUILDING SET BACKS: FRONT- 15'
SIDE- 6'
SIDE ADJACENT TO STREET- 10'
REAR- 10', PLUS ONE FOOT FOR EACH FOOT OF BUILDING HEIGHT ABOVE 25 FEET.
7. MINIMUM SIDE YARD BUILDING SEPARATION BETWEEN PRIMARY RESIDENTIAL STRUCTURES IS 12 FEET.
8. MAXIMUM IMPERVIOUS SURFACE AREA - 55%.
9. TOTAL LOT IMPERVIOUS AREA IS 7,012 SQ.FT. OR 20.8%.
10. TRACT 1 IMPERVIOUS AREA IS 1,800.4 SQ.FT. OR 29.3%
11. TRACT 2 IMPERVIOUS AREA IS 1,648.2 SQ.FT. OR 21.9%
12. TRACT 3 IMPERVIOUS AREA IS 1,815.7 SQ.FT. OR 13.0%
13. MAX STRUCTURE HEIGHT IS 30'
14. "ATHENS-CLARKE COUNTY WATER IS AVAILABLE" and "ATHENS-CLARKE COUNTY SANITARY SEWER IS AVAILABLE."
15. THERE IS A TOTAL OF 3 DWELLING UNITS FOR THIS PROPERTY WITH 3 BEDROOMS PER UNIT FOR A TOTAL OF 9 BEDROOMS.

ATHENS-CLARKE COUNTY
STORMWATER STATEMENT:
1. ANY FUTURE LAND DEVELOPMENT ACTIVITIES ON THIS PROPERTY MAY REQUIRE A STORMWATER MANAGEMENT PLAN AND PERMIT.

PUBLIC UTILITIES:
I hereby certify that all required improvements necessary to provide water and/or sanitary sewer service from the Athens-Clarke County water distribution and/or sanitary sewer collection system(s), as noted, have been satisfactorily installed and have been accepted by Athens-Clarke County for ownership, operation, and maintenance, or improvement guarantees, in an amount sufficient to secure the satisfactory installation and dedication of the necessary improvements, have been provided.

PUBLIC UTILITIES DIRECTOR _____ DATE _____

OWNER'S ACKNOWLEDGEMENT AND DECLARATION:
I(we) hereby certify that I am (we are) the owner of the property shown and described hereon and that I (we)hereby adopt this plan of subdivision with my (our) free consent, having established the minimum building restriction lines, dedicate all rights-of-way, water and sewer easements, drainage easements, alleys, walks, parks, and other open spaces to public or private use as noted, and agree to provide either directly or indirectly for the maintenance of all common areas and outlots. I (we) further acknowledge that possession of the rights-of-way remains solely with the subdivider until such time as all bonds are released by Athens-Clarke County.

Subdivider _____ Owner _____

THIS REGISTERED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS AND SPECIFICATIONS SET FORTH BY THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY, AND IS HEREBY SUITABLE FOR RECORDING.

R. SHANE CARSON, GA. R.L.S. #3141 DATE _____

NOTES:
1. The field data upon which this plat is based has a closure precision of one foot in 15,957 feet and an angular error of 3" per angle point, and was adjusted by LEAST SQUARES.
2. The equipment used to obtain the linear and angular measurements was a CARLSON BRX5 ROBOTIC INSTRUMENT.
3. This plat has been calculated for closure and is found to be accurate within one foot in 98,013'.

30 0 30 60 90
SCALE: 1" = 30'

OWNER:
FREEDOM FROM BONDAGE, INC.
ADRESSES: P.O. BOX 80744
ATHENS, GA. 30608

INTENDED USE:
THE INTENDED USE FOR THIS PROPERTY IS SINGLE FAMILY ATTACHED DWELLINGS.

NOTE: NO PORTION OF THE PROPERTY SHOWN HEREON IS IN A DESIGNATED FLOOD HAZARD AREA, ACCORDING TO THE F.I.R.M. NO. 13059C0038D DATED APRIL 2, 2007

ATHENS-CLARKE COUNTY PLANNING NOTES:
1. THERE ARE NO ATHENS-CLARKE COUNTY TREES ADJACENT TO THIS PROPERTY.
2. THERE ARE NO ENVIRONMENTAL OR FEMA FLOOD HAZARD AREAS ON THIS PROPERTY.

REVISED: 7/7/22 TO ADD GRAVEL AREA

GEORGIA REGISTERED No. 3141 PROFESSIONAL LAND SURVEYOR R. SHANE CARSON

SURVEY FOR: **FREEDOM FROM BONDAGE INC.**

189 HIGHLAND PARK DR.

218th G.M.D. ATHENS-CLARKE COUNTY, GEORGIA

SCALE: 1" = 30' DATE: 10/7/21 FIELD WORK: 8/21/21

STRAIGHT LINE SURVEYING INC. 1121 TIMBER RIDGE RD. WATKINSVILLE, GA. 30677 (706) 202-4945

JOB NO. 18024-SITEPLAN-189

Freedom from Bondage
Women's Recovery Residence

Binding
8/9/22

Board Members
Nancy Brown · Jackie Burson · Allie Davis · Kelli Goekjian · Ray Lattimore · Kathy Tate
PO Box 80744, Athens, GA 30608

April 2022

To Whom It May Concern,

Thank you for the time to review this Special Use Permit – Type 1 application from Freedom from Bondage, Inc. Our organization, developed in 2004 by a group of concerned women in the Athens community, is an IRS recognized 501(c)3 company. We are submitting this report for your consideration regarding property located at 189/191/193 Highland Park Drive, Athens, 30605. We purchased this property in June 2022.

Freedom from Bondage is a women's recovery residence located on the eastside of Athens. Our goal is to provide shelter and support to the recovering woman while she builds a foundation in recovery, learns to interact responsibly in a community environment, develops and enhances social skills, and re-enters the work force. FFB hopes that our residents will become productive members of the community at large.

Our mission statement: "Freedom from Bondage, Inc. is a non-profit organization whose sole purpose is to provide subsidized housing for women who wish to get or remain sober and who lack resources for, or access to, a sober and drug-free environment."

According to Athens Clarke County Code of Ordinances, we are a Halfway House.

Our property conforms to the Future Development Map. The Special Use of this property will have no physical changes to the building or the property and will not affect the Future Development Map. The land use of this property will not change; therefore, will have no adverse effect on the balance of land use in the county. The proposal herein will not affect any public facilities or utility providers.

The "People" category of the 2018 Athens-Clarke County Comprehensive Plan addresses "services provided to improve health, safety, and general welfare." The topic of health describes a Needs and Opportunities of:

> "b. Promotes awareness for associated issues involving behavioral health, development disabilities, addiction, HIV/AIDS, among others by eliminating stigmas and marketing available programs." (page 15 of 553)

To meet a goal of "a culture of healthy lifestyles and inclusive access to affordable, holistic and state-of-the-art services and facilities for physical health, mental health, and general wellbeing" strategies have been identified as "create more opportunities and coordinate services for people moving back to the community from incarceration" and "expand substance abuse and addictive disease treatment."

Binding

The Comprehensive Plan supports the adoption of a policy to "create more opportunities and coordination of services for people moving back to the community from incarceration – transition programs and resources from short-term and long-term incarceration."

The women we serve are in need safe, sober, affordable housing as their journey of substance abuse recovery begins. Many local judicial, law enforcement and private entities are supportive of the service we provide our community. (Attachment A) We are honored to have received the 2018 Stakeholder Award by the Georgia Department of Community Supervision. (Attachment B)

Our program requires that each resident participate accordingly in our community environment; attend a minimum of seven 12-Step meetings each week, become employed, perform assigned household chores, honor curfew and remain substance-free. We administer random 15-panel drug screenings, 80-hour ETG (alcohol) tests, and provide monthly reports to officials as required. Our entry fee is $325, and rent is $150 per week. Rent covers housing, utilities, food/beverages, laundry supplies, and household supplies. During the first two weeks, we provide Athens Clarke County Transit bus passes to assist the resident while seeking employment.

The substance abuse recovery cohort in the Athens-Clarke County community is quite large. Many of these individuals are in need sober housing alternatives. Freedom from Bondage Women's Recovery Residence is simply a sober living environment – we provide no treatment, counseling/therapy nor do we have any medical staff.

Since our inception, we have maintained monthly outcomes measures statistics under many categories. A portion of this data includes percentages of residents which are alcohol-free, drug-free, employed, and have met the 12-Step meeting attendance requirement.

Freedom from Bondage, Inc. feels its services and principles are in line with the vision and goals as outlined in the 2018 Athens-Clarke County Comprehensive Plan. Our organization hopes to partner with other service organizations in the Athens community as we strive to reduce the stigma and recidivism often associated with substance use disorder.

Thank you for your consideration in this matter.

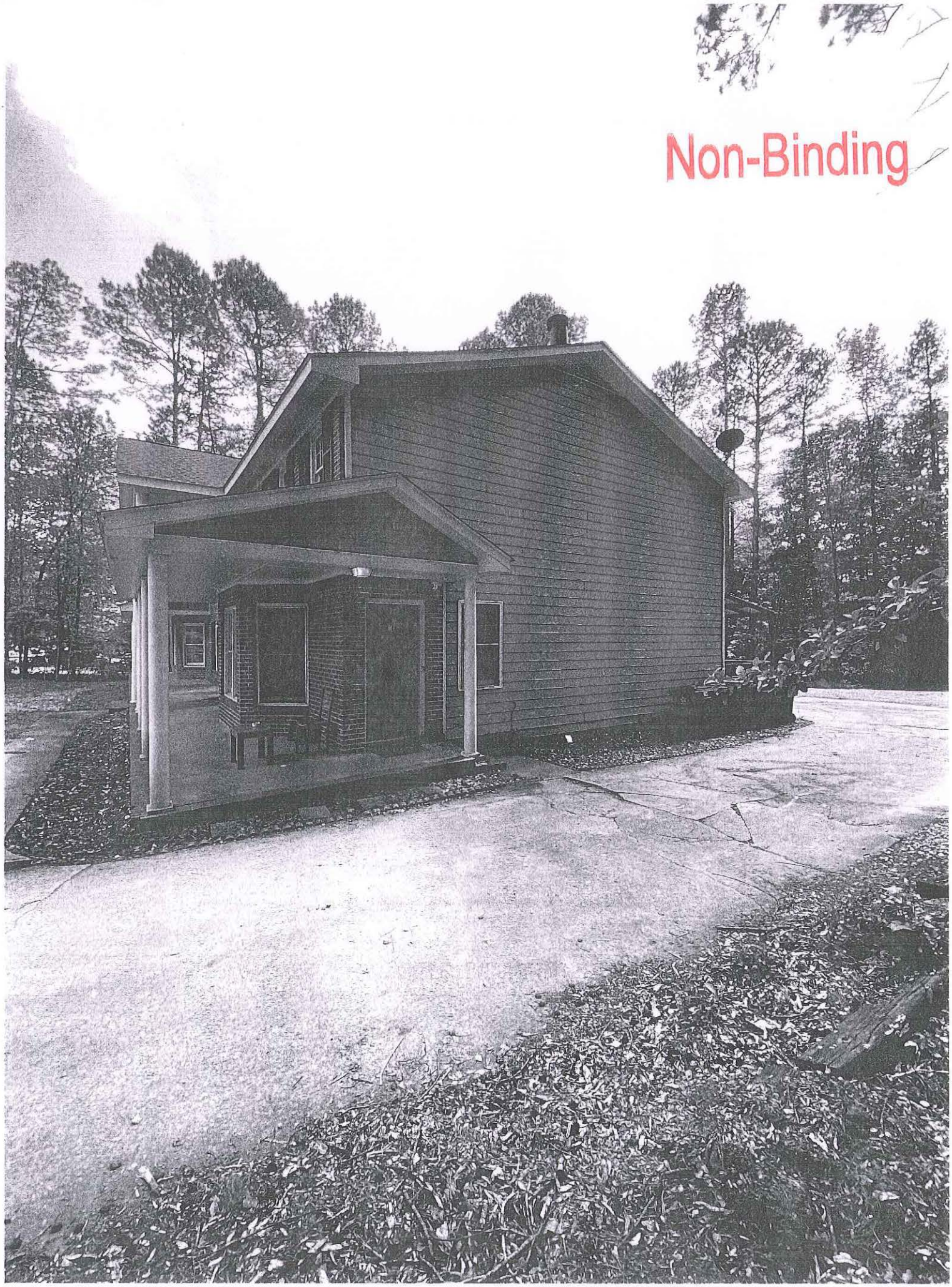
With kindest regards,

Mrs. Chris Church, CPS-AD
Director
Freedom from Bondage, Inc.
(706) 621-8010

www.freedomfrombondage.com

Non-building

Non-Binding



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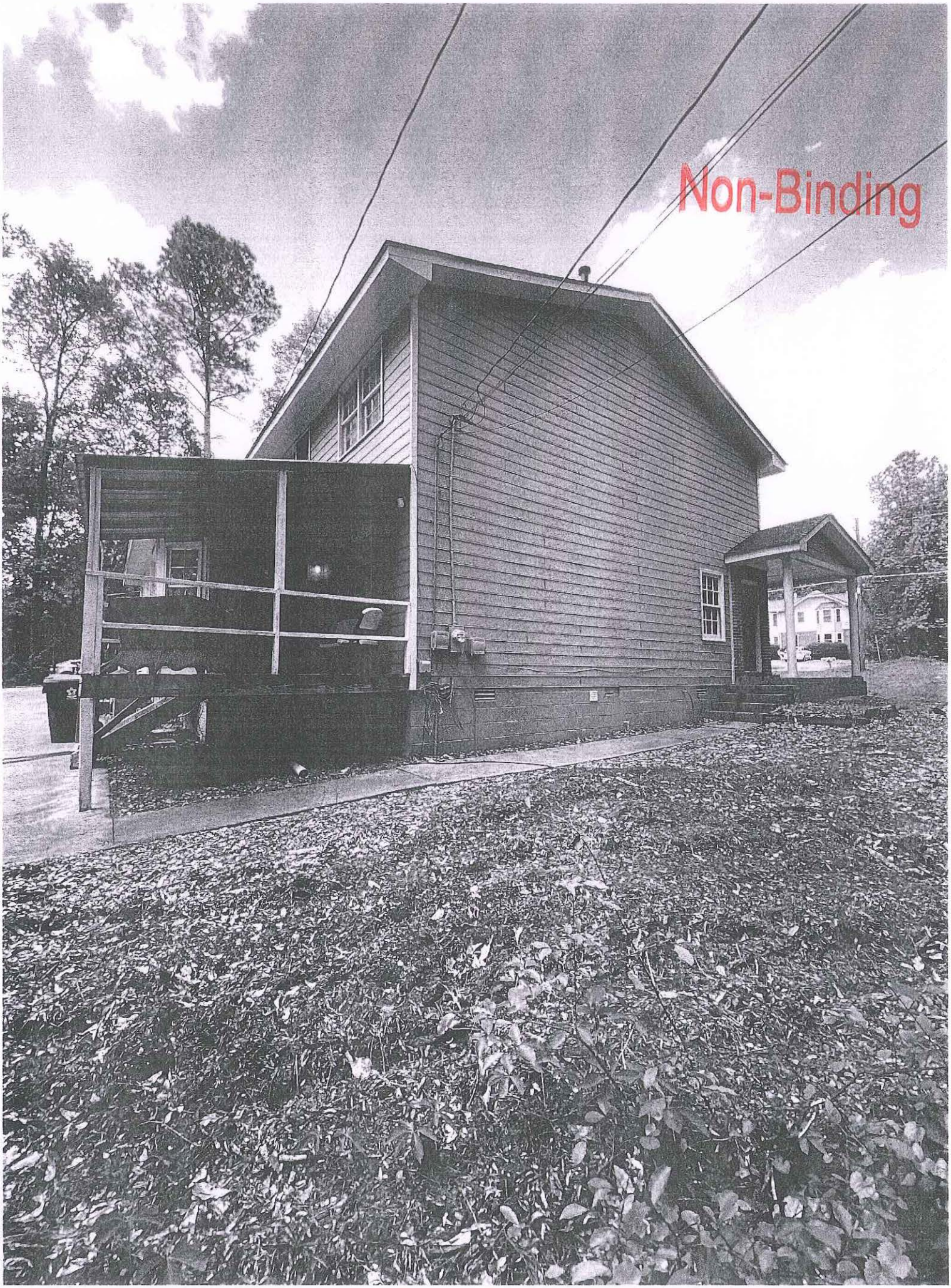

Non-Binding

Non-Binding

Attachment A

Non-Binding

Felony Drug Court
Western Judicial Circuit
Athens-Clarke and Oconee Counties

Nicole Cavanagh
Program Coordinator

325 East Washington Street
Suite 210
Athens, Georgia 30601
Telephone (706) 208-7078
Fax (706) 613-1956

To: Whom It May Concern
Date: 3/26/2018
Re: FFB

Please accept this letter of support for Freedom From Bondage Women's Recovery Residence located in Athens, GA. I have had the pleasure of working with FFB first as a Probation Officer and now as the Coordinator of the Western Judicial Circuit Felony Drug Court. I firmly believe that Freedom From Bondage is in integral part of female participants' success in our program and more importantly, their recovery. FFB is the only women's facility that we trust with our participants. Without the care that FFB provides, many women in our community would be homeless or worse, finding shelter in our jail or prison system. Many recovery residences have come and gone, but the reason that FFB is still here is quite frankly because it works. The people at FFB understand addiction, criminogenic needs, basic mental health issues and assist these women in creating a new life for themselves. I am so grateful for the impact that FFB has had in our community and hope that they are around for many years to come. Please feel free to contact me at the number above if I can be of any further assistance.

Sincerely,

Nicole Cavanagh

Department of Community Supervision
2 Martin Luther King, Jr. Drive SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334
www.dcs.ga.gov

Non-Binding

Michael W. Nail
Commissioner

3/21/18

Dear Tammy,

I hope this letter finds you doing well. I am writing to let you know that we are very pleased with services our offenders have received and are currently receiving at Freedom From Bondage. I understand that they are going through some re-zoning issues. I hope that these issues will not interfere with any on-going services that our offenders are currently receiving in their program. Please let me know if there is anything else I can do to help FFB continue their good work in our recovery community.

Sincerely,

Cindy Murphy

Cindy Murphy
Coordinating Chief
Athens DCS Office
678-389-1514

Nathan Deal
Governor

Department of Community Supervision
2 Martin Luther King, Jr. Drive SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334
www.dcs.georgia.gov

Michael W. Nail
Commissioner

Non-Binding

March 19, 2018

To Whom It May Concern:

This letter is an acknowledgement of the working relationship that has been established between the Athens Community Supervision Office and Freedom From Bondage. They serve quite a few of our clients, and we appreciate the valuable services they provide for them and for our community. As a collaborative partner of FFB, we have enjoyed a great working relationship and I fully support their efforts.

The staff at FFB communicates well with our office, and they work hard to ensure theirs is a safe, sober living environment for residents. We really appreciate their willingness to work with our office and do not sense any hesitation to work with mandated clients. I look forward to many years of further collaboration. Please do not hesitate to contact me for further assistance.

Sincerely,

Beverly Grant

Beverly Grant, LPC, CAADC
MH Counselor

Non-Binding

Dear Commissioners,

I am informing you of my support of local Non-Profit Freedom From Bondage and to inform you of the positive impact this female recovery Residence has on our community and so many lives, including my own.

This residence is a safe place for females to go when they are in need of support of Ladies that are in the same situation, to re enter society as a sober citizen knowing how to navigate day to day life and come to accept a new way of life. This program is one of few options that is available not only here in Athens but also, North East Georgia. This is evident from the history of the residents that contact and relocate to this program from many places.

I have had people close to me have great success with their sobriety after being a resident at Freedom from Bondage. I have also employed a few FFB residents at my business, DRee and Company.

Being an Athens native and resident, I feel our enormous homeless population would be greater without the services of FFB and other like programs as options for those in need and looking to better themselves.

I am happy to answer other questions or concerns about my support in favor of allowing this non profit to continue their mission in the manor they have had much success with if needed. Feel free to contact me at your convenience, dreeandco@bellsouth.net or 706-202-6388 cell.

Thank you in advance for agreeing with my desires,

DRee Church-Krohn

Non-Binding

Attachment B

DEPARTMENT OF COMMUNITY SUPERVISION

STAKEHOLDER AWARD

THIS IS AWARDED TO

Freedom from Bondage

SEPTEMBER 18, 2019

SCOTT MAURER
Assistant Commissioner

MICHAEL W. NAIL
Commissioner

Non-Binding

July 26, 2022

To: ACC Planning Commission; Carol Myers, District Commissioner
From: Donna Holcomb, Eastside Resident, McDuffie Drive

Dear ACC Planning Commission members,

I recently received a letter from the ACC Planning Department notifying me of an application to rezone property at 189,191 & 193 Highland Park Drive for another Halfway House run by "Freedom from Bondage". Freedom from Bondage is a non-profit that provides housing, which they say is affordable, to women with drug and alcohol addiction problems, many of whom are referred by the court system due to their criminal activity. Currently, this NPO runs a halfway house on Highland Park Drive and they state on their website that they have 20 or more residents. They house up to 4 women per room and charge an entry fee of over $300 and then $150 per week. At four per room, they are getting $600 per room per week or $2400 per room per month. That is for room and board, but still a good deal more than average rent for a room in that area. Their most recent available tax returns from 2019 report rental income of over $380K for that property. They offer no medical services, no counseling or treatment, but they require drug/alcohol testing.

My questions and concerns are many. First, how do they help these women stay sober and successful? And if/when a resident fails a drug or alcohol test what is done about it? Are they thrown out to the street? These women likely do not have many other options or transportation other than public busses, so if they are told to leave do they just become homeless people in our neighborhood? I would also like to know what sort of crimes these women have committed. Highland Park Drive has a lot of children living on that street and there are children in the homes of immediate neighbors on McDuffie Drive as well. Are these women screened for the sort of offenses they have committed? If they have been violent or abusive to children, we should know this before being asked if we are in favor of Freedom from Bondage expanding their housing on Highland Park Drive. I would also like to know if there is a history of problems their current halfway house has created, but no details were included. Their application states that they keep records on their drug and alcohol tests, but they didn't include any results. The application also had some letters of support attached, but all of the letters were over four years old. Why are they not providing current letters of support from the courts, the ACC government, and the people who are neighbors to their current Halfway House?

I think having one Halfway House with 20 or more residents, most of whom have criminal and addiction histories is enough for one street. Adding more units of this sort to one street will likely have a negative impact on property values and potentially safety in the neighborhood. If the "Freedom from Bondage" organization would address these questions and explain why adding more units is good for the neighborhood, I would like to hear their answers. Currently, I have concerns that they are unable to provide any current letters of support from anyone about their "program", which appears to be nothing more than weekly room and board with drug testing. Until these questions are adequately answered, I am in opposition to this proposed zoning action.

Thank you for considering my position on this matter.

Sincerely,
Donna Holcomb
McDuffie Dr, Athens

From: seenlo2009@gmail.com
Sent: Wednesday, August 3, 2022 10:20 AM
To: Planning
Subject: [EXT] Halfway house on Highland Park Drive

EXTERNAL SENDER: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern

I live at the back of the proposed halfway house on McDuffie Drive. We have already had one such house on Highland Park and building another one is too much for this one little area. Housing 20 or more people is too much in a building. At the same time those people do not have any medical personnel or counseling services but they have criminal and addiction history. We are also facing a surge in mental health problems in the county. So it poses a threat to me and my community. My safety is my utmost concern as I do not have fencing in my backyard. They may just come into my yard and my neighborhood at any time. That is why I strongly oppose to this proposal.

Thank you very much for your prompt attention to this matter!

Sincerely,

Seen

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **AMENDING A PLANNED DEVELOPMENT COMPRISING APPROXIMATELY 3.69 ACRES AND LOCATED AT 100 PRINCE AVENUE IN THE C-D (WE) (PD) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, 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 modifying a planned development for one parcel of land comprising approximately 3.69 acres, located at 100 Prince Avenue, Athens, Georgia in the C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development) District. Said affected area of property is more fully described in that certain site plan entitled "Site Plan 100 Prince Avenue Chapel Athens" said site plan having a date of July 1, 2022, prepared by Koons Environmental Design Inc., and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The planned development amended by this ordinance is described in that certain ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THE PARCEL OF LAND AT 134 PRINCE AVENUE FROM C-O (COMMERCIAL OFFICE_ TO C-D (WE)(PD) (COMMERCIAL DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT) AND REZONING THE PARCEL OF LAND AT 134 CHILDS STREET FROM C-O* (COMMERCIAL OFFICE ZONING WITH CONDITION) TO RM-3 (PD) (MIXED DENSITY RESIDENTIAL, PLANNED DEVELOPMENT)," which was adopted by the Commission on September 14, 2016 (hereinafter the "September 2016 Ordinance").

The subject parcel comprising approximately 3.69 acres is also known as parcel number 171A2 B002 on the Athens-Clarke County tax maps, being on file and available for pubic 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 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 herein by reference consists of two sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped "Binding 8-9-22". The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
Site Plan	C200	7/1/2022

Tree Management Plan	C210	7/1/2022

The binding written report associated with this ordinance consists of four pages in total, is entitled "Chapel Athens Proposed Amendment to 100 Prince Master Planned Development," dated July 1, 2022 and is stamped "Binding 8-9-22". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: August 4, 2022	**FILE NO: PD-2022-07-1692**

LOCATION: 100 Prince Avenue
APPLICANT: Kayla Bare / Koons Environmental Design
OWNER: 100 Prince Avenue, LLC
REQUEST: Amendment to C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development)
DISTRICT: 9

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Ms. Rowland made a motion to recommend approval. Mr. Hall seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Present	X		
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall, Vice-Chair Present	X			Monique Sanders Present	X		
Alice Kinman Absent				Joey Tucker Absent			
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	7	0	

For: Josh Koons, Lindsey Kayal
Against: None

Discussion: The Commission reacted with excitement to the proposal and thinks the proposal will enhance the space.

Motion: Ms. Rowland made a motion to recommend approval. Mr. Hall seconded the motion, which passed unanimously.

STAFF REPORT
MASTER PLANNED DEVELOPMENT
CASE NUMBER: PD-2022-07-1692
100 PRINCE AVENUE
AUGUST 4, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT	Kayla Bare / Koons Environmental Design
OWNER	100 Prince Avenue, LLC
ZONING REQUEST:	Amendment to a C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development)
TYPE OF REQUEST	Type II
LOCATION	100 Prince Avenue
COUNTY COMMISSION DISTRICT	9
SIZE OF REZONING AREA	3.69 acres
PRESENT USE	(Vacant) Commercial-General
PROPOSED USE	Commercial-Event Space
TAX MAP NUMBERS	171A2 B002
ADJACENT USES AND ZONING	(N) Mixed-Use / C-D
	(E) Church / C-D
	(S) Church / C-D
	(W) Mixed-Use / C-D
STAFF RECOMMENDATION	**Approval**
PLANNING COMM. RECOMMENDATION	**Approval**

II. PURPOSE & HISTORY

The request is to amend a Planned-Development for the subject parcel located at 100 Prince Avenue. The current Future Land Use designation is *Downtown* and the current zoning is Commercial-Downtown. No Future Land Use Map or Zoning Map amendments are requested. A planned development includes a binding application report, site plan, and architectural elevations as a guarantee to the community that what is proposed would be constructed. The original site plan (PD-2015-10-2201) was submitted in 2015 and approved in 2016.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The subject parcel is 3.69 acres (project impacts 0.24 acres) and is located on the northwest corner of the Pulaski Street intersection with Prince Avenue. The parcel contains a church that has been converted into a commercial shell building. The applicant is proposing changes to the surrounding hardscape and landscape in preparation for building out the shell as an event space.

The surrounding properties are zoned C-D (Commercial-Downtown) and consist of a mix of commercial, residential and church uses. The subject parcels are not within a locally designated or National Register historic district, nor contain a locally designated historic landmark.

IV. PROPOSED DEVELOPMENT

The applicant is proposing modifications to the hardscape and landscape surrounding the historic chapel building, being renovated for event space. Specifically, the proposal calls for replacing the existing tree planters with expanded planting beds and larger trees in the pedestrian alley between the chapel and the main building at 100 Prince Avenue. In front of the chapel, the plaza would be enclosed by extending the existing low brick wall to create a courtyard with additional tree plantings. On the Pulaski side, a new concrete patio with a fountain and additional landscape plantings is proposed. The intent is to create attractive public outdoor space where events in the chapel can spill out.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE LAND USE MAP

The 2018 Future Land Use Map designates the subject parcels as *Downtown*:

Downtown

Retail, office and entertainment uses are encouraged, as is high-density multifamily housing. Auto-oriented uses, such as vehicle repair and maintenance, drive-through restaurants, and vehicle sales, are not included in this designation. As parking is handled on a district level, off-street parking for individual commercial development is not intended. Parking structures with commercial uses on the street-level frontage are encouraged rather than surface parking lots. This area should have strict design requirements to protect historic integrity and to ensure that new buildings develop in a form and architectural style compatible with existing downtown character.

The proposal requests no changes to the Future Land Use Map.

II. COMPATIBILITY WITH COMPREHENSIVE PLAN POLICIES

The following are relevant 2018 Comprehensive Plan policies:

- Encourage development of Downtown as a vibrant, diverse center where everyone feels welcome to live, visit, and do business.
- Decrease the number of vehicles in Downtown while increasing the amount of clean, walkable, attractive, and park-like open space.
- Create appealing and inviting community gateways and corridors.

By adding additional and larger trees, creating a courtyard, and expanding the patio, the proposal increases the amount and attractiveness of the existing open space around the building. In particular, the trees will add shade to create a more park-like open space. The property sits where a Downtown gateway meets a corridor entrance so improving the public realm on this property and increasing the viability of businesses in the currently vacant chapel is of particular interest. In Staff's opinion, the proposal is consistent with the 2018 Comprehensive Plan.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The subject parcel is zoned for Commercial-Downtown. No change to the zoning map is proposed.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development will otherwise be expected to adhere to the ordinance standards. No waivers have been requested with the master plan submittal.

C-D zoning has a unique character that does not have minimum lot sizes, allows 100% lot coverage, and does not require minimum landscaped areas. Impervious surfaces currently cover 76.4% (122,755 SF) of the site and the proposal has a marginal net increase of 82 square feet (SF) to the coverage. The proposal includes tree removal and replacement that would increase net canopy coverage by 5,200 SF (from 27,100 to 32,300 SF), although no landscaped areas are required. No changes are proposed to the existing street trees on Prince Avenue and Pulaski Street. While the landscape and hardscape improvements are being made in anticipation of converting the chapel into an event space, no changes are proposed to the building itself as part of this project. The proposed improvements meet the zoning standards.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The request is to amend a previously approved planned development. The specific request is to amend the landscaping and hardscape around the chapel building, which would not have a noticeable impact on the balance of land uses. The application report and site plan denote an intent to build out the chapel shell as a commercial event space, and the proposal will increase the site's appeal for that purpose.

Within the Alternative Compliance Guidelines for the C-D zone, Downtown is described as, "a place where people can gather to enjoy a sense of community and be entertained and enlightened." Entertainment is also encouraged in the Downtown Future Land Use description. The existing pattern of uses downtown includes multiple event spaces, hotels, entertainment venues, restaurants, and bars that combine to form a conducive environment for hosting events. Therefore, in Staff's opinion, an event space on this site would not have a negative impact on the balance of land uses in the County.

II. POPULATION

Although the Planned Development as a whole includes residences, this particular request involving only the area around the former chapel does not include a residential component.

III. ENVIRONMENT

According to the Athens-Clarke County Environmental Areas Map, no protected environmental areas exist on the subject property.

The Athens-Clarke County Arborist has reviewed the provided Tree Management Plan (TMP) and has the following comments:

- *The tree management plan shows a Red Maple tree proposed to be less than 10 feet from the building. A minimum distance of 10 feet from buildings is required for medium canopy trees. Therefore, the plans will need to be revised to demonstrate appropriate separation distances from buildings prior to permitting.*

IV. TRAFFIC, TRANSPORTATION & TRANSIT

The subject property has two street frontages – Prince Avenue, and Pulaski Street. Public sidewalk exists along both frontages. The site is located in one of the most walkable areas of the County, and it is served

by multiple bus routes. Adding additional canopy coverage and improving the appeal of the open space between the chapel and the public streets could improve the pedestrian experience in the area.

The Athens-Clarke County Department of Transportation and Public Works has reviewed the proposal and does not have any traffic-related concerns at this time.

V. GRADING AND DRAINAGE

The ACC Transportation and Public Works Department has reviewed the proposal and does not have comments at this time.

VI. WATER AND SEWER AVAILABILITY

The Public Utilities Department has the following comments:

- *ACC water and sanitary sewer are available to serve the property.*

VII. FIRE PROTECTION

The Athens-Clarke County Fire Marshal has the following comments:

- *ACCFES can provide fire protection without any fire services being affected or any additional cost for fire equipment or personnel.*
- *Additional fire hydrants are not needed.*
- *Fire apparatus can access the project. A turnaround is not needed.*
- *All buildings must be sprinkled.*

RECOMMENDATIONS

I. STAFF RECOMMENDATION - APPROVAL

The request is to amend an existing planned development located at 100 Prince Avenue. The proposal calls for amending the landscaping and hardscape surrounding the currently vacant commercial shell that formerly housed the St. Joseph Catholic Church. The proposal has been made in anticipation of building out the shell as an event space. The amendments include adding larger trees, planting beds, and seating walls in the pedestrian alley between the chapel and the main building at 100 Prince, extending the low wall to create a gated courtyard in front of the chapel, and extending the patio, adding a fountain, and replacing existing plantings with larger trees on the Pulaski side of the building.

In Staff's opinion, the proposed changes to the pedestrian alley are the primary focus of evaluation. The addition of a gated courtyard in the front and seating walls with planting beds in the alley will have an enclosing effect on the area. The conversion of open space to semi-open space with more edges would create a more attractive environment for people to gather and linger around the chapel. Creating a more attractive gathering area would increase the viability of the potential event space in the building. However, expanding public gathering space in the pedestrian alley would reduce the existing pedestrian traffic flow capacity. Given, that 100 Prince is not fully occupied, it is hard to determine how much capacity will be necessary for the alley in the future. However, at this time, Staff supports the trading reduced pedestrian traffic capacity for a more functional and attractive public gathering space and the increased viability of a business in a currently vacant building at a key gateway transition between Downtown and the Prince Avenue Corridor.

Therefore, Staff recommends approval of the proposed Planned Development amendment.

II. PLANNING COMMISSION RECOMMENDATION - APPROVAL

The Planning Commission considered the request at their regular meeting on August 4, 2022 and recommended approval.

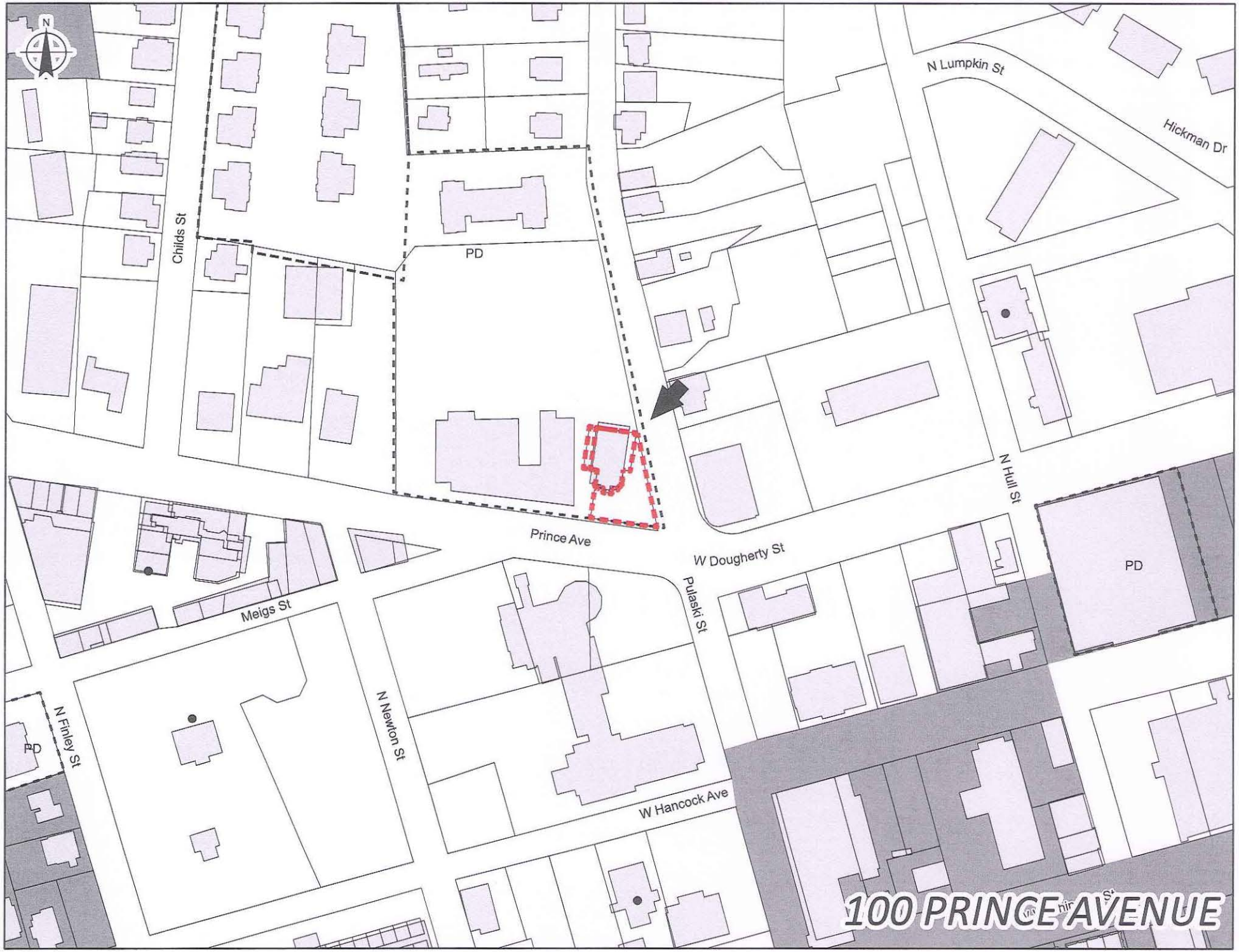
III. CURRENT STATUS

The request and the Planning Commission recommendation are tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on August 16, 2022. The Mayor and Commission are tentatively scheduled to hear and take action on this request on September 6, 2022.

REPORT FOR: 100 PRINCE AVENUE

Reviewed	Not Applicable	Zoning Criteria for Type II Applications
X		1. The proposed rezoning conforms to the future development map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
	X	2. The proposed special use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements.
X		3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning.
X		4. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.
X		5. Existing land use pattern surrounding the property in issue
X		6. Possible creation of an isolated district unrelated to adjacent and nearby districts
X		7. Population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities and streets
X		8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures
X		9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity
X		10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations
	X	11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment
X		12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area
X		13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal

Public Notice: In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property on July 15, 2022.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Hickman Dr
Childs St
PD
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Prince Ave
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Pulaski St
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Meigs St
N Finley St
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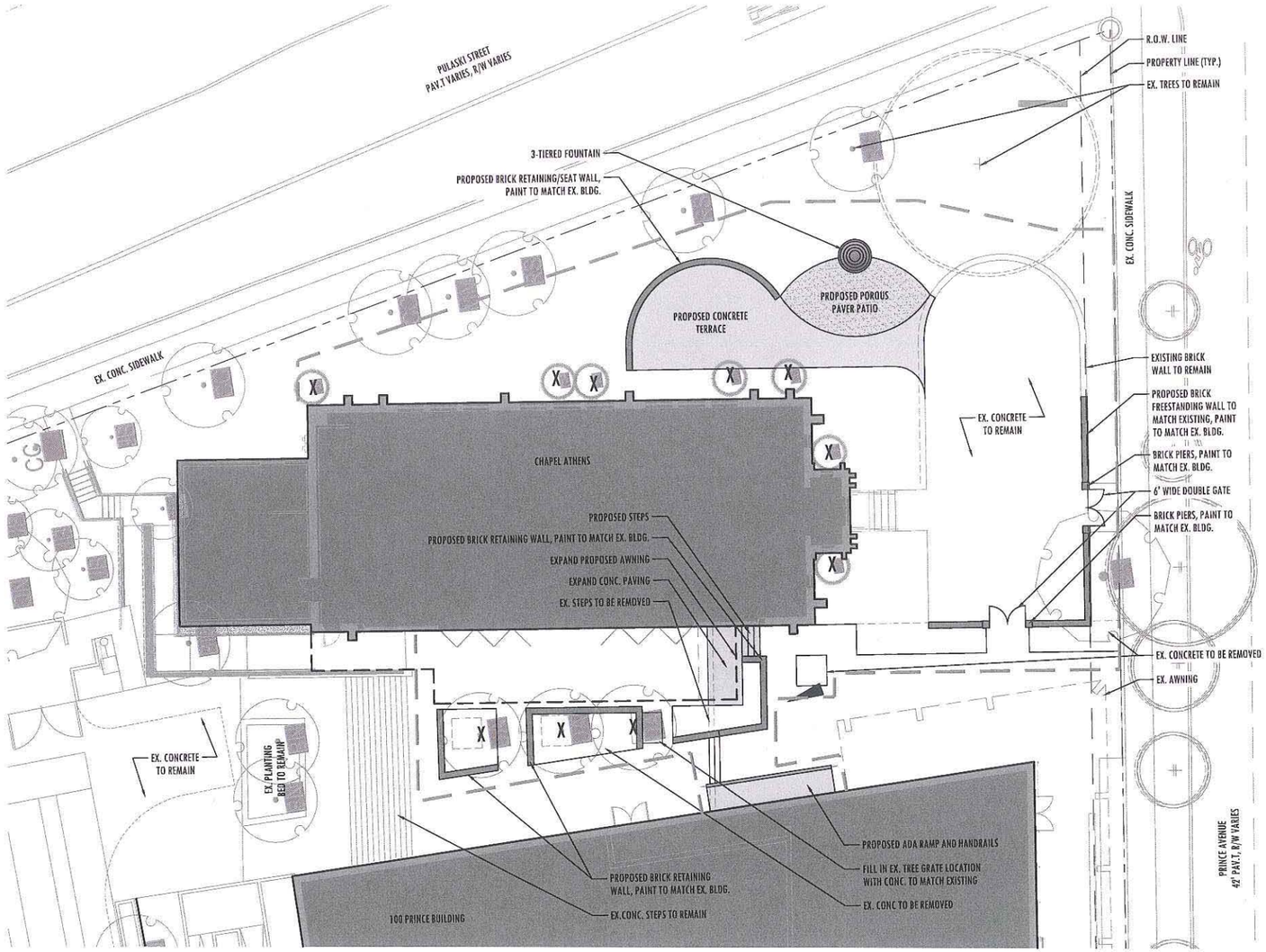
N Newton St
W Hancock Ave
100 PRINCE AVENUE



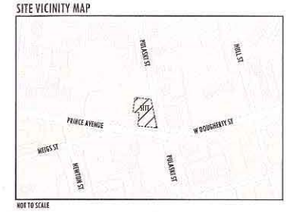
1 C-200 **SITE PLAN**
SCALE: 1" = 10'

0 5 10 20
SCALE: 1" = 10'

SITE PLAN LEGEND

- PROPOSED CONCRETE SIDEWALK
- PROPOSED POROUS PAVING
- PROPOSED CONCRETE BLOCK WALL WITH BRICK VENEER
- PROJECT LIMITS
- TREE PROTECTION FENCING
- X EXISTING TREE TO BE REMOVED

SITE VICINITY MAP



NOT TO SCALE

PROJECT INFORMATION
CURRENT OWNER: PA CHAPEL LLC, HOMES URBAN LLC
PROJECT ADDRESS: 100 PRINCE AVENUE
ATHENS, GA 30601

TAX PARCEL ID:	171A2 B0028, 171A2 B002A
ZONING:	C-D (COMMERCIAL-DOWNTOWN)
EXISTING USE:	COMMERCIAL - GENERAL
PROPOSED USE:	COMMERCIAL - EVENT SPACE
PARCEL SIZE:	0.24 ACRES (10,632 SF)
PROJECT LIMITS:	0.16 ACRES (7,183 SF)

GENERAL REGULATIONS C-D ZONE:
- FRONT YARD SETBACK: NONE
- SIDE YARD SETBACK: NONE
- MINIMUM YARD SETBACK AT RESIDENTIAL ZONE: NONE
- MINIMUM LANDSCAPED AREA: 0%
- MAXIMUM BUILDING HEIGHT: 100 FEET
- MAXIMUM LOT COVERAGE: 100%
- MAXIMUM FAR: 5.0

C-D WE PD, LOT COVERAGE:
NOTE: LOT COVERAGE INCLUDES ALL COVERAGE AREAS IN C-D-ZONED PARCELS IN PREVIOUSLY APPROVED PLANNED DEVELOPMENT APPLICATION.

TOTAL SITE AREA:	160,780 SF
EXISTING LOT CVG.:	122,755 SF (76.4%)
EXISTING PAVING TO BE REMOVED:	505 SF
PROPOSED IMPERVIOUS PAVEMENT:	587 SF
PROPOSED POROUS PAVEMENT:	220 SF
NET CHANGE IN IMPERVIOUS SURFACE:	82 SF INCREASE
PROPOSED LOT COVERAGE:	122,837 SF (76.4%)

PARKING NOTES:
- OFF-STREET PARKING IS NOT REQUIRED FOR NON-RESIDENTIAL USES IN THE C-D DISTRICT.

PERMITTING NOTES:
1. INSTALL BACKFLOW PREVENTER PER A-CC CODE ORDINANCE. FIELD VERIFY LOCATION WITH ENGINEER PRIOR TO INSTALLATION.
2. USE WILL COMPLY WITH NOISE ORDINANCE 3-5-24 OF THE A-CC CODE ORDINANCE.
3. USE WILL COMPLY WITH SOLID WASTE & RECYCLING ORDINANCE OF THE A-CC CODE ORDINANCE. PROPERTY MANAGEMENT TO UTILIZE ROLL CARTS AND COORDINATE SERVICE WITH SOLID WASTE PROVIDER.
4. ANY OUTDOOR LIGHTING WILL ADHERE TO ALL STANDARDS IN SECTION 9-19-4 OF THE A-CC CODE ORDINANCE.
5. FLOODPLAIN STATEMENT: ACCORDING TO FEMA FLOOD MAP 13059C0025E, NO PORTION OF THIS PROJECT LIES WITHIN THE 100 YEAR FLOODPLAIN.

Binding
8/9/22

KOONS ENVIRONMENTAL DESIGN inc.
675 Pulaski Street
Suite 3000
Athens, GA 30601
ph: 706-352-3838

SEAL:

GEORGIA REGISTERED LANDSCAPE ARCHITECT JOSHUA H. KOONS

TITLE:

100 PRINCE AVENUE
CHAPEL ATHENS
ATHENS, GA

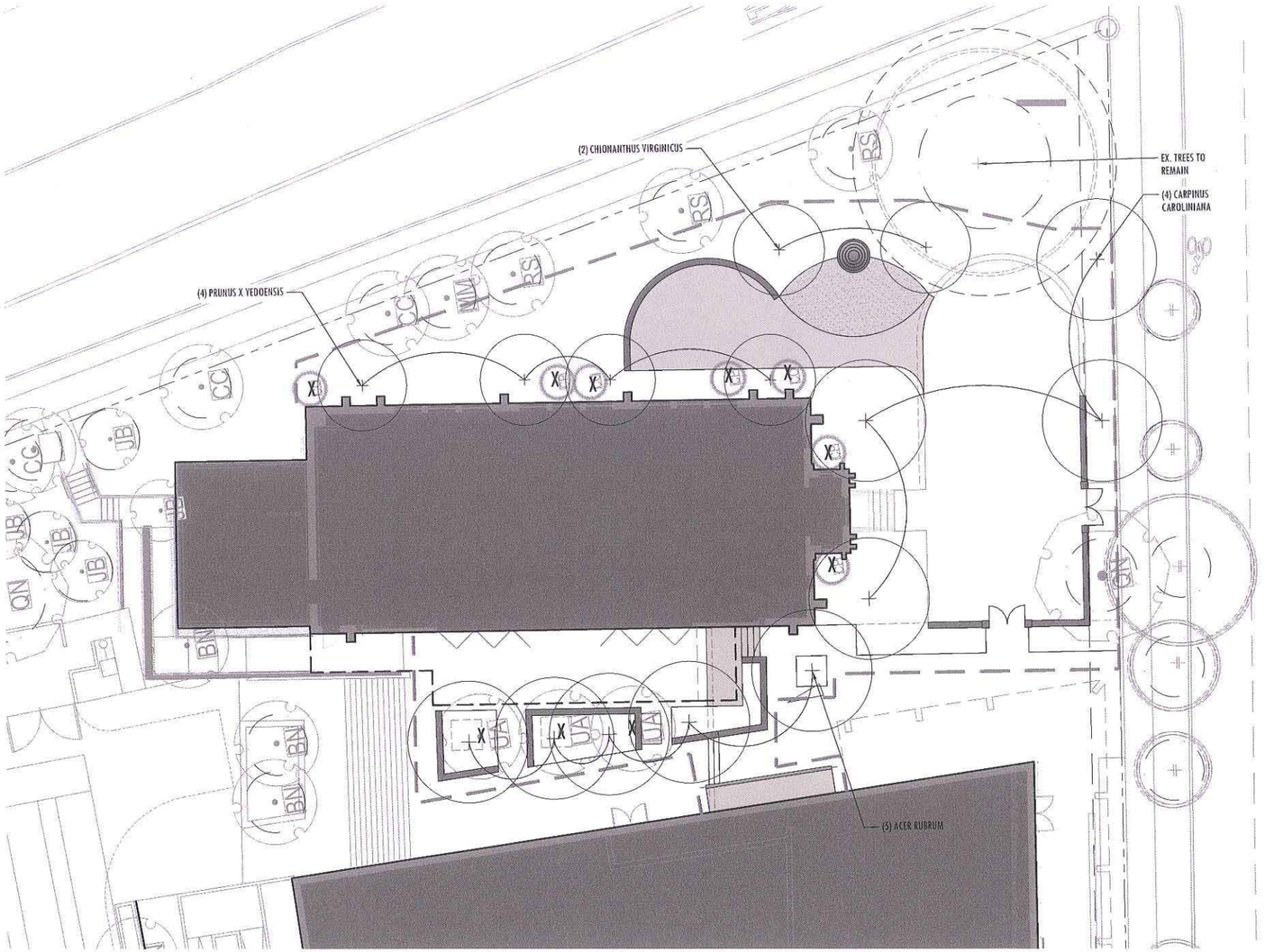
PROJECT NO:
DRAWN BY: KB
CHECKED BY: JK
SCALE: AS NOTED

ISSUANCE:
DATE:
07/01/2022: PD AMENDMENT

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
C200

PERMITTING PACKAGE - NOT FOR CONSTRUCTION



1 C-210 TREE MANAGEMENT PLAN
SCALE: 1" = 10'

0 5 10 20
SCALE: 1" = 10'

PROJECT INFORMATION
CURRENT OWNER: PA CHAPEL LLC, HOMES URBAN LLC
PROJECT ADDRESS: 100 PRINCE AVENUE
ATHENS, GA 30601

TAX PARCEL ID:	171A2 B002B, 171A2 B002A
ZONING:	C-D (COMMERCIAL-DOWNTOWN)
EXISTING USE:	COMMERCIAL - GENERAL
PROPOSED USE:	COMMERCIAL - EVENT SPACE
PARCEL SIZE:	0.24 ACRES (10,632 SF)
PROJECT LIMITS:	0.16 ACRES (7,183 SF)

GENERAL REGULATIONS C-D ZONE:
FRONT YARD SETBACK: NONE
SIDE YARD SETBACK: NONE
MINIMUM YARD SETBACK AT RESIDENTIAL ZONE: NONE
MINIMUM LANDSCAPED AREA: 0%
MAXIMUM BUILDING HEIGHT: 100 FEET
MAXIMUM LOT COVERAGE: 100%
MAXIMUM FAR: 5.0

C-D WE PD, LOT COVERAGE:
NOTE: LOT COVERAGE INCLUDES ALL COVERAGE AREAS IN C-D-ZONED PARCELS IN PREVIOUSLY APPROVED PLANNED DEVELOPMENT APPLICATION.

TOTAL SITE AREA:	160,780 SF
EXISTING LOT CVG.:	122,755 SF (76.4%)
EXISTING PAVING TO BE REMOVED:	505 SF
PROPOSED IMPERVIOUS PAVEMENT :	587 SF
PROPOSED POROUS PAVEMENT:	220 SF
NET CHANGE IN IMPERVIOUS SURFACE:	82 SF INCREASE
PROPOSED LOT COVERAGE:	122,837 SF (76.4%)

PARKING NOTES:
OFF-STREET PARKING IS NOT REQUIRED FOR NON-RESIDENTIAL USES IN THE C-D DISTRICT.

TREE MANAGEMENT NOTES

PREVIOUSLY APPROVED CANOPY COVERAGE IN THE CD ZONE:
EXISTING CANOPY TO REMAIN: 16,400 SF
PROPOSED CANOPY: 10,700 SF
TOTAL: 27,100 SF

CANOPY ADJUSTMENTS:
TREES REMOVED:
- (3) LARGE @ 1600 SF = -4800 SF

TREES ADDED:
- (2) VERY SMALL@ 150SF = 300SF
- (4) SMALL @ 400SF = 1600SF
- (9) MEDIUM @ 900SF = 8100SF

TOTAL ADJUSTMENT: = + 5,200SF

NOTE:
THE TREES REMOVED ARE TREES THAT WERE RECENTLY PLANTED WITH THE PROPOSED IMPROVEMENTS AND ARE NOT ORIGINALLY CONSERVED CANOPY TREES. THE MODIFICATION PROPOSED HEREIN RESULT IN AN INCREASE OF 5200SF OF ADDITIONAL CANOPY FOR A TOTAL CANOPY COVERAGE OF 32,100SF TOTAL IN THE CD ZONE.

NOTE: STREET TREES NOT REQUIRED IN DOWNTOWN DISTRICT

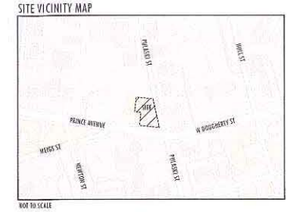
TREE MANAGEMENT NOTES

1. TREES PLANTED OR CONSERVED TO SATISFY REQUIREMENTS OF THE ACC COMMUNITY TREE ORDINANCE SHALL NOT BE REMOVED WITHOUT PRIOR APPROVAL OF THE PLANNING DIRECTOR.
2. TREES PLANTED TO MEET DEVELOPMENT REQUIREMENTS SHOULD BE WATERED THROUGHOUT THE GROWING SEASON TO THE EQUIVALENT OF 1" OF WATER PER WEEK.
3. STAKING MATERIALS SHOULD BE REMOVED WITHIN ONE YEAR OF PLANTING
4. BURLAP (AND ALL OTHER MATERIALS) MUST BE REMOVED FROM AT LEAST THE TOP 12" OF THE ROOT BALL AND TREE SHOULD BE PLANTED SO THAT TRUNK FLARE IS VISIBLE ABOVE THE GROUND.
5. PLANTED TREES SHOULD BE MULCHED IMMEDIATELY AFTER PLANTING. MULCH IS NOT ALLOWED CLOSER THAN 6" TO THE TRUNK FLARE.
6. THE ACC ARBORIST OR COMMUNITY FORESTER MUST INSPECT INSTALLATION OF TREE PROTECTION FENCING PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITY. TREE PROTECTION FENCING SHALL REMAIN IN PLACE UNTIL CONSTRUCTION ACTIVITIES END OR A CERTIFICATE OF OCCUPANCY IS ISSUED, WHICHEVER IS LATER. NO VEHICLE OR EQUIPMENT WITH TRAFFIC, PARKING OR STORAGE MATERIALS IS ALLOWED WITHIN THE TREE PROTECTION AREA.
7. TREES TO BE LOCATED 5 FEET FROM UNDERGROUND UTILITY LINES, INCLUDING ELECTRICAL CONDUIT, SEWER, GAS, COMMUNICATION AND STORMWATER PIPING.

SITE PLAN LEGEND

- PROPOSED CONCRETE SIDEWALK
- PROPOSED POROUS PAVING
- PROPOSED CONCRETE BLOCK WALL WITH BRICK VENEER
- PROJECT LIMITS
- LIMITS OF DISTURBANCE
- TREE PROTECTION FENCING
- X EXISTING TREE TO BE REMOVED

SITE VICINITY MAP



NOT TO SCALE

TREE MANAGEMENT PLAN COVERAGE TABLE

PROPOSED TREE CANOPY

QTY	NAME	COMMON NAME	SIZE @ PLANTING	TREE SIZE	INDIV. CANOPY	TOTAL CANOPY	% SITE COVERAGE
2	*Chionanthus virginicus*	White Fringetree	2"	Very Small	150	300	
4	*Prunus x yedoensis*	Yoshino Cherry	2"	Small	450	1,800	
4	*Carpinus caroliniana*	American Hornbeam	2"	Medium	900	3,600	
5	*Acer rubrum*	Red Maple	2"	Medium	900	4,500	
				PROPOSED CANOPY COVERAGE		10,000	6.2%
				TREES REMOVED		4,800	
				TOTAL SITE AREA (3.69 A)		160,726	100%
			ADDITIONAL PROPOSED SITE CANOPY COVERAGE			5,200	3.2%

2 C-210 TREE MANAGEMENT PLAN COVERAGE TABLE
NOT TO SCALE

TREE PROTECTION STANDARDS:
ATHENS-CLARKE COUNTY TREES OR TREES ON PRIVATE PROPERTY CONSERVED AND PLANTED TO MEET TREE CANOPY COVER REQUIREMENTS SHALL BE ACTIVELY PROTECTED DURING DEVELOPMENT AND PASSIVELY THROUGHOUT THEIR LIFE IN ACCORDANCE WITH THE REQUIREMENTS FOR PROTECTED TREES SET FORTH IN SECTION 8-7-16.

1. PROHIBITED ACTIVITIES. THE FOLLOWING ACTIVITIES AND CONDITIONS, AND ANY OTHER ACTIVITIES AND CONDITIONS HARMFUL TO A TREE'S ROOTS, TRUNK, OR CROWN, WITHIN THE TREE PROTECTION ZONE ARE PROHIBITED:
   A. VEHICLE OR EQUIPMENT TRAFFIC, PARKING, OR STORAGE.
   B. MATERIALS OR SUPPLIES STORAGE.
   C. PLACEMENT OF TEMPORARY OR PERMANENT STRUCTURES.
   D. EQUIPMENT MAINTENANCE OR WASHOUT.
   E. WOUNDING OF TRUNK.
   F. WOUNDING OR BREAKAGE OF SCAFFOLD LIMBS OR BRANCHES GREATER THAN SIX INCHES IN DIAMETER.
   G. TOPPING OR OTHER IMPROPER PRUNING, SUCH AS STUB CUTS OR FLUSH CUTS.
   H. FIRES; EXCESSIVE HEAT FROM EQUIPMENT EXHAUST PIPES.

2. LIMITED ACTIVITIES. THE FOLLOWING ACTIVITIES AND CONDITIONS WITHIN THE TREE PROTECTION ZONE ARE LIMITED TO ONE SIDE OF THE TREE IN THE OUTER ½ OF THE CRITICAL ROOT ZONE, BUT IN NO CASE CLOSER THAN 2.5 FEET TO THE TRUNK OF A PLANTED TREE AND TEN FEET TO THE TRUNK OF A CONSERVED TREE:
   A. SITE OR LOT CLEARING OR GRUBBING.
   B. SOIL EXCAVATION.
   C. SOIL CUTS.
   D. SOIL FILL.
   E. GRADING.
   F. TRENCHING.
   G. TILLING.
   H. EDGING.
   I. SOIL COMPACTION.
   J. TOP DRESSING WITH SOIL GREATER THAN TWO INCHES IN DEPTH.
   K. PAVING.

3. ACTIVE TREE PROTECTION STANDARDS. ACTIVE TREE PROTECTION SHALL MEET THE FOLLOWING MINIMUM CRITERIA:
   A. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY LAND DEVELOPMENT OR LAND DISTURBANCE ACTIVITY AROUND A TREE AT THE LOCATION OF THE TREE PROTECTION ZONE AND SHALL REMAIN IN PLACE UNTIL CONSTRUCTION ACTIVITIES END OR A CERTIFICATE OF OCCUPANCY IS ISSUED, WHICHEVER IS LATER.
   B. TREE PROTECTION FENCING SHALL BE FOUR FEET HIGH, HIGH-VISIBILITY POLYPROPYLENE FENCING ERECTED WITH STURDY POSTS.
   C. ACTIVITIES DESCRIBED IN SECTION 8-7-19(H)(1) AND (2) SHALL BE PROHIBITED WITHIN THE TREE PROTECTION ZONE.
   D. LOW HANGING LIMBS THAT MAY BE DAMAGED BY EQUIPMENT TRAFFIC OR OTHER CONSTRUCTION ACTIVITIES SHALL BE PRUNED PRIOR TO THE COMMENCEMENT OF ANY LAND DEVELOPMENT/LAND DISTURBANCE ACTIVITY; ALL PRUNING SHALL BE IN ACCORDANCE WITH THE PRUNING STANDARDS SET FORTH IN SECTION 8-7-19(J).
   E. WHEN EQUIPMENT MOVEMENT IS SUCH THAT DAMAGE TO TREE TRUNKS IS POSSIBLE, THEN TREE TRUNKS SHALL BE WRAPPED VERTICALLY WITH ONE LAYER OF TWO INCH BY FOUR INCH LUMBER SPACED A MAXIMUM OF 12 INCHES APART, AND COVERED WITH CORRUGATED CARDBOARD SECURED WITH STRAPPING. THE WRAPPING SHALL REMAIN ON THROUGHOUT THE PERIOD OF POTENTIAL DAMAGE.

4. ACTIVE TREE PROTECTION AREA SIGN STANDARDS. PRIOR TO ANY LAND DEVELOPMENT OR LAND DISTURBANCE ACTIVITY AND AFTER TREE PROTECTION FENCING IS INSTALLED AROUND ANY CONSERVED TREES OR TREE CONSERVATION AREA, TREE PROTECTION AREA SIGNS SHALL BE INSTALLED. SIGNS SHALL BE INSTALLED ALONG THE PERIMETER OF ALL TREE PROTECTION ZONES AT LEAST EVERY 50 FEET AND SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING TEXT: "TREE PROTECTION AREA, ENTRY PROHIBITED, NO CONSTRUCTION ACTIVITY, MATERIALS OR EQUIPMENT STORAGE, EQUIPMENT WASHOUT, OR VEHICLE TRAFFIC ALLOWED". THE SIGN SHALL BE FABRICATED OUT OF A STURDY MATERIAL, SHALL BE AT LEAST 18 INCHES WIDE BY 24 INCHES HIGH, AND SHALL BE PLACED ON A STURDY POST WITH THE BOTTOM OF THE SIGN AT A MINIMUM HEIGHT OF 30 INCHES ABOVE THE GROUND. THE SIGNS MUST REMAIN PRESENT AT ALL TIMES DURING CONSTRUCTION.

5. PASSIVE TREE PROTECTION STANDARDS. PASSIVE TREE PROTECTION SHALL BE REQUIRED THROUGHOUT THE LIFE OF A PROTECTED TREE AND SHALL REQUIRE, AT A MINIMUM, THE AVOIDANCE OF ALL PROHIBITED ACTIVITIES DESCRIBED IN SECTION 8-7-19(H)(1) AND (2) WITHIN THE TREE PROTECTION ZONE.

Binding

KOONS ENVIRONMENTAL DESIGN inc.
675 Pulaski Street
Suite 2000
Athens, GA 30601
ph: 706-353-3838

SEAL:

GEORGIA REGISTERED LANDSCAPE ARCHITECT JOSHUA H. KOONS NEC

TITLE:

100 PRINCE AVENUE
CHAPEL ATHENS
ATHENS, GA

PROJECT NO:
DRAWN BY: KB
CHECKED BY: JK
SCALE: AS NOTED

ISSUANCE:
DATE:
07/01/2022: PD AMENDMENT

SHEET TITLE:
TREE MANAGEMENT PLAN

SHEET NUMBER:
C210

PERMITTING PACKAGE - NOT FOR CONSTRUCTION

Binding
8/9/22

Chapel Athens

Proposed Amendment to 100 Prince Master Planned Development



Artistic Rendering of the Prince Street Facade

July 1, 2022

Prepared by
Koons Environmental Design, Inc.
675 Pulaski Street, Suite 2000
Athens, GA 30601

Properties owned by
PA Chapel LLC
100 Prince Avenue
Athens, GA 30601

and

Homes Urban LLC
219 E Washington St, Suite A
Greenville, SC 29601

Project Summary

Binding

The 100 Prince Planned Development has the potential to become a landmark for the Pulaski Street neighborhood. The built landscape should reflect this importance and provide thoughtfully designed spaces for the development and the surrounding community. Originally designated as a restaurant use, the Chapel has been purchased by the Owners of the Georgian in downtown Athens and will be used as an event venue. As a result, the Owner would like to modify the surround landscape to complement the use.

Specifically, this PD Amendment seeks to increase greenspace between Chapel Athens and the 100 Prince Building by reducing the amount of concrete originally installed in this area. It also proposes updating the existing hardscape elements on the Prince Street facade, ultimately retaining the St. Joe's curved brick wall element and adding to it in a way that creates a defined courtyard space that will be enhanced by additional landscape plantings. The PD amendment also proposes to add a small courtyard on the Pulaski Street side of the Chapel - its shape drawing inspiration from the front plaza. This area is intended to complement the east side of the chapel, expand the functionality of the front plaza, and enhance the Pulaski Street gateway.

Existing and Proposed Structures

The existing Chapel building will not be modified with this request. Recently, a previous amendment was approved to provide a kitchen on its north facade and a canopy on the west side. This request proposes to extend the awning length 6' toward Prince to be consistent with the proposed hardscape improvements.

Primarily, this request is to modify the exterior hardscape and landscape around the Chapel and between the Chapel and 100 Prince. In the pedestrian alley between the Chapel and 100 Prince, excess concrete paving shall be removed to establish planting beds between Chapel Athens and neighboring 100 Prince Building. Brick seat walls, matching the existing front walls of the Chapel, will be constructed to not only provide effective separation for events but also serve as casual seating for the general public during non-event times.

The existing plaza in front of the Chapel will be modified to create a defined courtyard space with entry points from Prince Avenue and the internal alley. The existing brick wall will be extended along Prince to define the space, while a portion of the existing brick wall near the Chapel will be removed to allow for a connection to the new patio space. The brick wall will be repainted to match the newly renovated Chapel.

A new concrete patio on the Pulaski Street side of the Chapel shall will be a support space to the front plaza. The intimate scale of the patio and adjacent garden space will highlight and enhance the east facade. New brick retaining walls will match the existing walls and provide casual seating. A fountain will be installed in the garden area between the patio and plaza and is intended to provide a focal point for the property and mask road noise.

Land Use and Utilities

The land use and zoning of this parcel shall be consistent with the approved PD. Future Land Use (FLU) of the parcel will remain "Downtown" use, which is consistent with the FLU of adjacent lots. The property is currently being served by Athens-Clarke County public water and sewer. There are no anticipated changes in demands to the public utility infrastructure associated with this amendment.

Phasing

The Project may be constructed in Phases. Phase One would include the Front Plaza and Pulaski Street Patio. Phase 2 would include the Alley Improvements.

Binding

Environmental Impacts

There are no anticipated negative impacts with the proposed improvements. In fact, the proposed increase in greenspace and planting will have a positive impact on the project compared to its current condition. The increased greenspace in the alley between buildings is intended to offset the proposed terrace on Pulaski Street. Proposed porous pavement will be used minimize new impervious surfaces and mitigate any stormwater impacts from the expanded patio space. Changes described in this plan only contribute a 35 sf net gain of impervious surface.

The plan proposes four medium trees to be added to the space between the 100 Prince Building and Chapel Athens. Any removed trees will be replaced with a tree of equal or greater canopy size, as appropriate. Proposed planting beds will offer space for a more diverse plant palette, which will soften the transition from Prince Avenue to the parking deck at the rear of the building.



The existing concrete paving in the alley produces a glare effect during sunny weather. This, combined with the white Chapel, creates a bright, hot environment that is uncomfortable to use during the day.



The photo at left shows a rendering of the proposed expanded planting areas. These trees and planters will increase infiltration rates in this area and provide additional shade to reduce the glare effects of the light concrete.

Proposed seat walls define the center of the alley and create interesting nooks to gather and rest.

Binding

Neighborhood Impacts

The 100 Prince Planned Development has a unique opportunity to serve as a gateway from Downtown to Normaltown and the Pulaski Street neighborhood. The design of the landscape surrounding the newly renovated Chapel will reflect this significance. When not in use for events, the proposed terraces, greenspace, and plantings will enhance the Pulaski Street right of way. Areas will be open to residents of the 100 Prince development and the community when not in use for events.

The owner and event organizers anticipate the venue to be used primarily on weekends. Similar event venues in Downtown Athens include Georgian Hall and Live Wire Athens. The project will adhere to the Athens-Clarke County noise ordinance relative to operating hours and noise levels. There are no overhead area lights associated with this amendment. Any lighting will be low level, garden accent lighting to complement the space. Any outdoor lighting will adhere to Athens-Clarke County standards, limiting any potential impact on the surrounding neighborhood.

Current plantings don't fully utilize the available planting space, creating an empty mulch bed in front of the historic arched windows.

Utility clean-outs are fully visible, and distract from the Chapel's east facade.



Additional plantings along Pulaski Street, shown at right, will reduce soil erosion on the slope from the chapel to the sidewalk and reduce mulch washout.

The proposed white-painted brick wall echoes the existing curved wall, creating a flowing line that visually connects the Prince and Pulaski facades.



PRINCE AVENUE STREET VIEW



Non-Binding

8/9/22

100 Prince Avenue

CHAPEL ATHENS

Athens, GA

Koons Environmental Design, Inc.
June 22, 2022



PULASKI STREET VIEW

Non-Binding

100 Prince Avenue
CHAPEL ATHENS
Athens, GA

Koons Environmental Design, Inc.
June 22, 2022

PULASKI STREET TERRACE



Non-Binding

100 Prince Avenue

CHAPEL ATHENS

Athens, GA

Koons Environmental Design, Inc.
June 22, 2022



SHARED GREENSPACE AND SEAT WALLS

Non-Binding

100 Prince Avenue
CHAPEL ATHENS
Athens, GA

Koons Environmental Design, Inc.
June 22, 2022



SHARED GREENSPACE AND SEAT WALLS

Non-Binding

Koons Environmental Design, Inc.
June 22, 2022

100 Prince Avenue
CHAPEL ATHENS
Athens, GA

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **REZONING ONE PARCEL OF LAND COMPRISING APPROXIMATELY 26.72 ACRES LOCATED AT 4555 LEXINGTON ROAD FROM RS-15 (SINGLE-FAMILY RESIDENTIAL) TO RS-8 (SINGLE FAMILY RESIDENTIAL);** 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 one parcel of land comprising approximately 26.72 acres located at 4555 Lexington Road, Athens, Georgia from RS-15 (Single-Family Residential) to RS-8 (Single-Family Residential) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the site plan entitled "Site Development Plans for Villas of Shoal Creek," said site plan having a date of July 1, 2022, prepared Carter Engineering, stamped "Non-Binding 8/9/22," and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcel comprising the subject 26.72 acre tract of land is also known as parcel number 234 019 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 W. Dougherty Street, Athens, Georgia. 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 Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

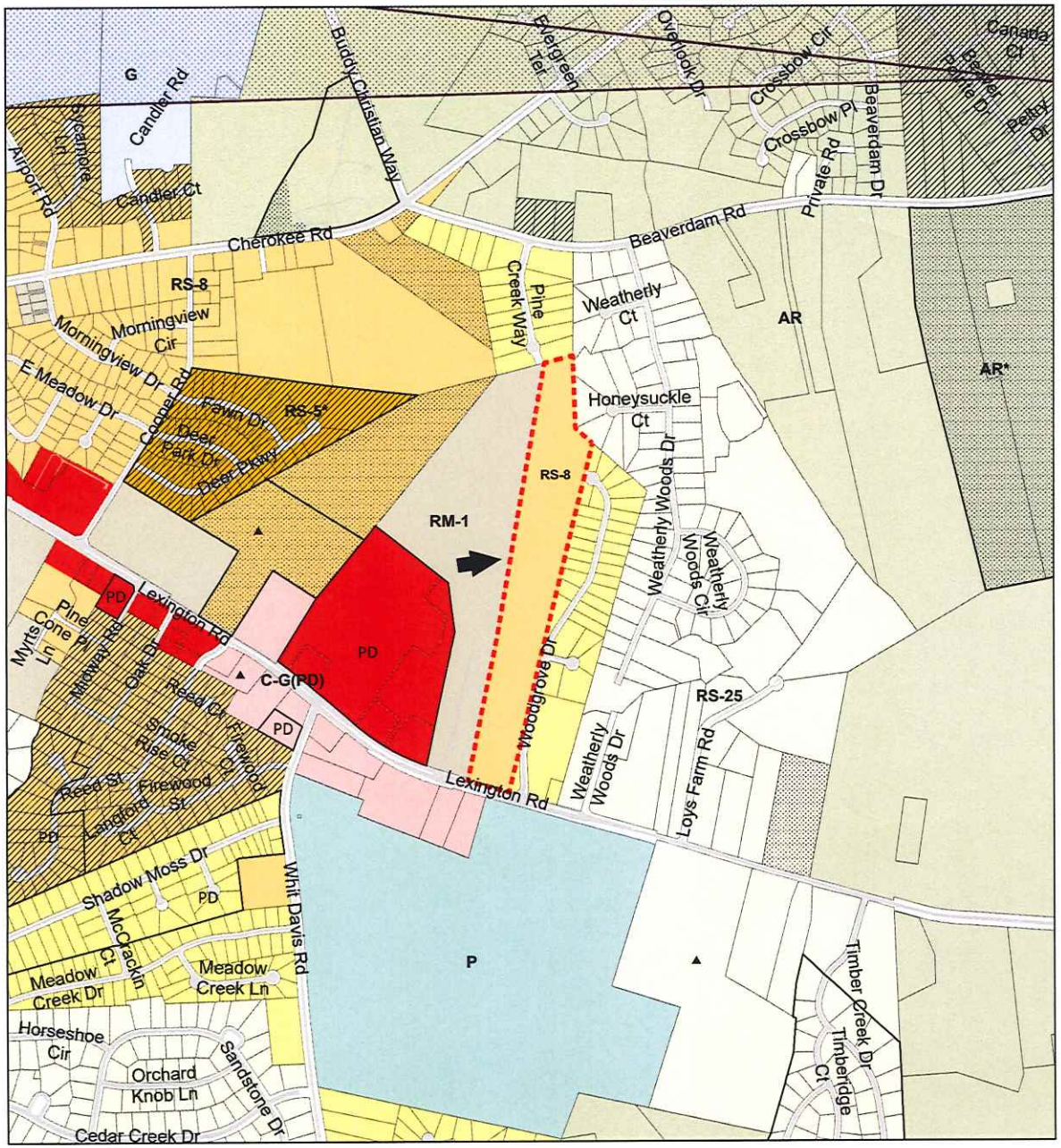
SECTION 2. The following conditions of zoning are associated with this ordinance:

(1) A fifty (50) foot wooded buffer between the proposal and the East Hampton subdivision shall be maintained, as shown on the site plan.

(2) The second connection to Woodgrove Drive, as shown on the site plan, shall be constructed in alignment with Woodhurst Drive.

(3) A minimum of twenty percent (20%) of the conserved canopy shall be maintained.

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



The Official Zoning Map of Athens-Clarke County

Legend

- P, Parks
- IN, Institutional
- C-G, Commercial-General
- C-D, Commercial-Downtown
- C-N, Commercial-Neighborhood
- C-O, Commercial-Office
- C-R, Commercial-Rural
- E-I, Employment-Industrial
- E-O, Employment-Office
- G, Government
- I, Industrial
- AR, Agricultural Residential (1 unit per 10 acre density)
- RM-1, Mixed Density Residential (16 multi-family units per acre)
- RM-2, Mixed Density Residential (24 multi-family units per acre)
- RM-3, Mixed Density Residential (50 multi-family units per acre)
- RS-5, Single-Family Residential (5,000 sq. ft. min. lot area)
- RS-8, Single-Family Residential (8,000 sq. ft. min. lot area)
- RS-15, Single-Family Residential (15,000 sq. ft. min. lot area)
- RS-25, Single-Family Residential (25,000 sq. ft. min. lot area)
- RS-40, Single-Family Residential (40,000 sq. ft. min. lot area)

Parcel boundaries of the site are determined by legal description. The parcels shown on this map are to be used only as a guide.

- Downtown Design Areas
  - (DHD). Downtown Historic District
  - (WD). West Downtown
  - (ED). East Downtown
  - (DS). Dougherty Street
  - (RIV). River
  - (WE). West End
  - (ND). North Downtown
- Airport Overlay
  - AZ1. Precision Approach Zone
  - AZ2. Larger Than Utility Runway Nonprecision Approach Zone
  - AZ3. Utility Runway Nonprecision Approach Zone
  - TZ. Transitional Zone
  - RPZ. Runway Protection Zone
  - PSZ. Primary Surface Zone
- 78/316 Special District Overlay
- PD Planned Development
- * Zoning with Conditions
- Historic District
- RM-LTD, Mixed Density Residential Limited Overlay
- Conditional Use
- GSRC, Gaines School Road Corridor Special District Overlay
- MAC, Milledge Avenue Corridor Special District Overlay
- WBS, West Broad Street Special District Overlay
- Winterville Boundary
- Bogart Boundary
- ACC Boundary
- Railroads
- ▲ Special Use
- ● Historic Landmark

840 420 0 840 1,680 2,520 Feet

ATTACHMENT A	ZONE-2022-07-1722 REZONE
529	4555 LEXINGTON ROAD Jeff Carter / Carter Engineering Marguerite Newton Estate
FROM: RS-15	TO: RS-8

TAX PARCEL #	PLANNING COMMISSION MEETING DATE	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE
234 019	August 4, 2022	September 6, 2022

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: August 4, 2022	**FILE NO: ZONE-2022-07-1722**

LOCATION: 4555 Lexington Road
APPLICANT: Jeff Carter / Carter Engineering
OWNER: Marguerite Newton Estate
REQUEST: From RS-15 (Single-Family Residential) to RS-8
DISTRICT: 1

PLANNING COMMISSION MOTION AND RECOMMENDATION:

Ms. Rowland made a motion to recommend tabling. No second.
Ms. Morales made a motion to recommend approval w/ conditions. Mr. Hall seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Present	X		
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present		X	
Matthew Hall, Vice-Chair Present	X			Monique Sanders Absent			
Alice Kinman Absent				Joey Tucker Absent			
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	5	1	

For: Jeff Carter, Steve Oexmann
Against: Robert Dean, Rebecca Moore, Robert Sheppard, Lynn Saunders, Matt McClain
Rebuttal: Steve Oexmann, Jeff Carter

Discussion: Applicant noted that a rezoning is needed to offset extra development costs associated with site conditions. Commission debated the need for more housing vs. concerns about potential unpredictable outcomes of a rezoning without a binding site plan. Extensive discussion of possible conditions followed.

Motion: Ms. Rowland made a motion to recommend tabling. The motion failed for lack of a second.

Ms. Morales made a motion to recommend approval with the following conditions:

1. A 50 ft. wooded buffer between the proposal and the East Hampton subdivision shall be maintained, as shown, on the site plan.
2. The second connection to Woodgrove Dr., as shown on site plan, shall be constructed in alignment with Woodhurst Dr.
3. A minimum of 20% of the conserved canopy shall be maintained.

Mr. Hall seconded the motion, which passed 5-1.

STAFF RECOMMENDATION
REZONE
CASE NUMBER ZONE-2022-07-1722
4555 LEXINGTON ROAD
AUGUST 4, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT:..... Jeff Carter / Carter Engineering
OWNER:..... Marguerite Newton Estate
REQUEST:..... From RS-15 (Single-Family Residential) to RS-8
TYPE OF REQUEST: ..... Type II - Rezone
LOCATION: ..... 4555 Lexington Road
COUNTY COMMISSION DISTRICT: 1
SIZE OF THE SUBJECT AREA: ..... 26.72 acres
PRESENT USE:..... Single-family dwelling
PROPOSED USE:..... Single-family residential
TAX MAP NUMBER:..... 234 019
ADJACENT USES AND ZONING: ..... (W) Multifamily dwellings / RM-1
..... (N) Residential open space / RS-15
..... (E) Single-family dwellings / RS-25; single-family dwellings / RS-15; Woodgrove Drive
..... (S) Lexington Road
STAFF RECOMMENDATION: .....**Denial**
PLANNING COMM. RECOMMENDATION: ….. **Approval with Conditions**

II. PURPOSE

The request is to amend the zoning designation on the subject property from RS-15 (Single-Family Residential) to RS-8 (Single-Family Residential).

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The 26.72-acre subject property has two residential structures near the front of the property, but is primarily undeveloped and wooded. The property is located on the north side of Lexington Road, between the recently constructed Cottages at Lexington multifamily development, zoned RM-1 (Mixed Density Residential), and the East Hampton single-family subdivision, zoned RS-15 (Single-Family Residential). The Weatherly Woods single-family subdivision, zoned RS-25, and the Cobblestone Creek single-family subdivision, zoned RS-15, adjoining the subject property to the north. Across Lexington Road (US 78) to the south is the Southeast Clarke Park with P (Park) zoning and an undeveloped parcel with C-N (Commercial-Neighborhood) zoning. The subject property is not within a locally designated historic district or National Register historic district.

IV. PROPOSED DEVELOPMENT

The request is for a rezoning of the subject property from RS-15 (Single-Family Residential) to RS-8. The application report states an intention to preserve the vegetation at the project entrance along Lexington Road, while the proposed designation would provide a transition between the RM-1 (Mixed Density Residential) zoned Cottages at Lexington and the RS-15 zoned East Hampton subdivision. However, the request is for a rezoning without a binding development plan or other voluntary conditions.

The current RS-15 zoning allows a maximum of 2.0 dwellings per acre, while the requested RS-8 zoning classification allows a greater maximum density of 3.8 dwellings per acre. For any RS zone subdivision development, protected environmental areas (e.g., 75-ft. riparian buffers) and steep slopes (25% and more) are subtracted from the total acreage for density calculations. According to the ACC Environmental Areas Map, the subject property has an ACC-required 75' buffer at the northern end of the property, and the application report mentions steep slopes may also be present toward the front of the property; therefore, these areas would subtract acreage from the density calculation.

COMPATIBILITY WITH COMPREHENSIVE PLAN

COMPATIBILITY WITH FUTURE LAND USE MAP

The Future Land Use Map indicates that the subject property has a *Single Family Residential* designation, which is described as follows:

These are residential areas with single-family detached housing. Limited non-residential uses designed at a neighborhood scale may be incorporated in these areas (e.g., churches, schools, personal care homes and daycare facilities).

According to Athens-Clarke County Code Table 9.4 (Compatibility Matrix), the requested RS-8 (Single-Family Residential) zoning classification is compatible with the *Single Family Residential* Future Land Use designation. Therefore, the request does not require an amendment to the Future Land Use Map.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

COMPATIBILITY WITH ZONING MAP

The purpose of this request is to change the zoning classification of the subject property from RS-15 (Single-Family Residential) to RS-8. The subject property adjoins RS-15, RM-1 (Mixed Density Residential) and RS-25 zoning districts. The proposed zoning district would be isolated, but an existing RS-8 zoning district is located nearby, roughly 400 feet west of the subject property.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

The request is to rezone the property to allow for greater single-family density and development. The rezoning request includes a concept subdivision plan with 79 single-family lots, but it does not include a binding development plan. The existing RS-15 (Single-Family Residential) zoning allows for 2.0 lots per acre, while the proposed RS-8 zoning would allow for 3.8 lots, close to a two-fold increase. In addition to increased density, the rezoning would also reduce building setbacks, while allowing slightly more lot coverage.

The current and proposed zoning designations are primarily intended for single-family residential use, with only a few other uses, such as personal care homes, churches and day care centers, allowed with Special Use approval. Single-family dwellings would be required to meet the design standards of Sec. 9-25-8(B).

Staff has provided a cursory review of the non-binding concept plan and has found that it does not comply with the maximum four-acre block size and 600-foot maximum block dimension. Blocks are divided by 50-foot street rights-of-way or 50-foot open space areas.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

This request is to change the zoning classification of a 26.72-acre tract from RS-15 to RS-8 for a higher density single-family development. The rezoning would allow for slightly more intensive development per lot, but the permitted property uses would remain basically the same.

II. POPULATION

As previously noted, The existing RS-15 (Single-Family Residential) zoning allows for 2.0 lots per acre, while the proposed RS-8 zoning would allow for 3.8 lots, close to a two-fold increase.

III. ENVIRONMENT

The ACC Environmental Areas Map indicates the presence of a protected stream with a 75' riparian buffer along the rear property line. As previously noted, such a protected area would be removed from the potential residential density calculation.

RS-8 has lower tree canopy standards than RS-15. The minimum amount of conserved tree canopy would decrease from 30% to 15%. The rezone application report mentions the preservation of 25%, but the submittal is not binding in that regard.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

Sidewalk installation along all interior subdivision streets and the perimeter frontage of Lexington Road would be required at time of development. The closest ACC Transit route serves the nearby Walmart shopping center, which is about 1,000 feet from the subject property.

Woodgrove Drive in the adjoining East Hampton subdivision has roughly 775 feet of frontage along the eastern boundary of the subject property. The same street ends in a cul-de-sac just a few from the subject property, with a designated street right-of-way extending to the subject property. The provided concept plan shows two new street connections to Woodgrove Drive, as well as a right-in, right-out only connection to Lexington Road (US Highway 78). The Georgia Department of Transportation is permitting the connection with a condition that a deceleration lane be provided for traffic entering the proposed development from the highway.

The ACC Transportation Corridor Concept Map includes a planned extension of the end of Woodgrove Drive through the subject property to connect with Pine Creek Way in the adjacent Cobblestone Creek

subdivision. In accordance with Chapter 9-29, any development plan is required to accommodate this planned route, either by including such a road in the development plan or leaving sufficient open space for later construction by Athens-Clarke County.

The Athens-Clarke County Transportation and Public Works Department does not have any transportation-related comments at this time.

V. GRADING AND DRAINAGE

The Athens-Clarke County Transportation and Public Works Department has the following comments:

- *Subdivision development will need to meet the complete runoff reduction requirement.*
- *A stormwater concept meeting with Public Works will be needed prior to permitting..*

VI. WATER AND SEWER AVAILABILITY

The Public Utilities Department has the following comment:

- *ACC water and sanitary sewer connections are available.*

VII. FIRE PROTECTION

The ACC Fire Marshal's Office has the following comments:

- *ACCFD can provide fire protection without any fire services being affected or additional cost for fire equipment or personnel.*
- *Additional fire hydrants are needed.*
- *Fire apparatus can access the project. A turnaround is not needed.*

RECOMMENDATIONS

I. STAFF RECOMMENDATION – Denial

The purpose of this request is to change the zoning classification of the subject property from RS-15 (Single-Family Residential) to RS-8. The request is for a rezoning without a binding development plan or other voluntary conditions. Staff has noticed that the provided concept plan does not comply with at least two development standards: (1) exceeding the maximum subdivision block size and (2) not facilitating the required street connection between Woodgrove Drive and Pine Creek Way. However, Staff has focused its review of the proposed rezoning request in order to determine the appropriateness of a potential higher density single-family subdivision on the subject property regardless of a particular development plan.

One of the review criteria noted in the back of this Staff report is the existing land use pattern surrounding the subject property. The application report states that this rezoning application would provide a buffer between the RM-1 zoned Cottages at Lexington and the RS-15 zoned East Hampton subdivision; however, Staff notes that the subject property by its intervening location already provides such a buffer for the East Hampton neighborhood.

The subject property and the adjoining East Hampton subdivision share 775 feet of Woodgrove Drive. The provided concept plan shows two new street connections to Woodgrove Drive in the East Hampton neighborhood. Traffic generation from the new development under the proposed zoning using the shared Woodgrove Drive would be significantly higher than under the current zoning.

Additional review criteria include whether there are substantial reasons why the property cannot be used in accordance with the existing zoning, and whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. Staff is unaware of any reason why the property cannot be developed under its current zoning and also unaware of any changing conditions in the immediate area supporting the request.

For these reasons, Staff recommends denial.

II. PLANNING COMMISSION RECOMMENDATION – APPROVAL with CONDITIONS

The Planning Commission considered the request at their regularly scheduled meeting on August 4, 2022 and recommended approval with the following conditions:

1. A 50 ft. wooded buffer between the proposal and the East Hampton subdivision shall be maintained, as shown, on the site plan.
2. The second connection to Woodgrove Dr., as shown on site plan, shall be constructed in alignment with Woodhurst Dr.
3. A minimum of 20% of the conserved canopy shall be maintained.

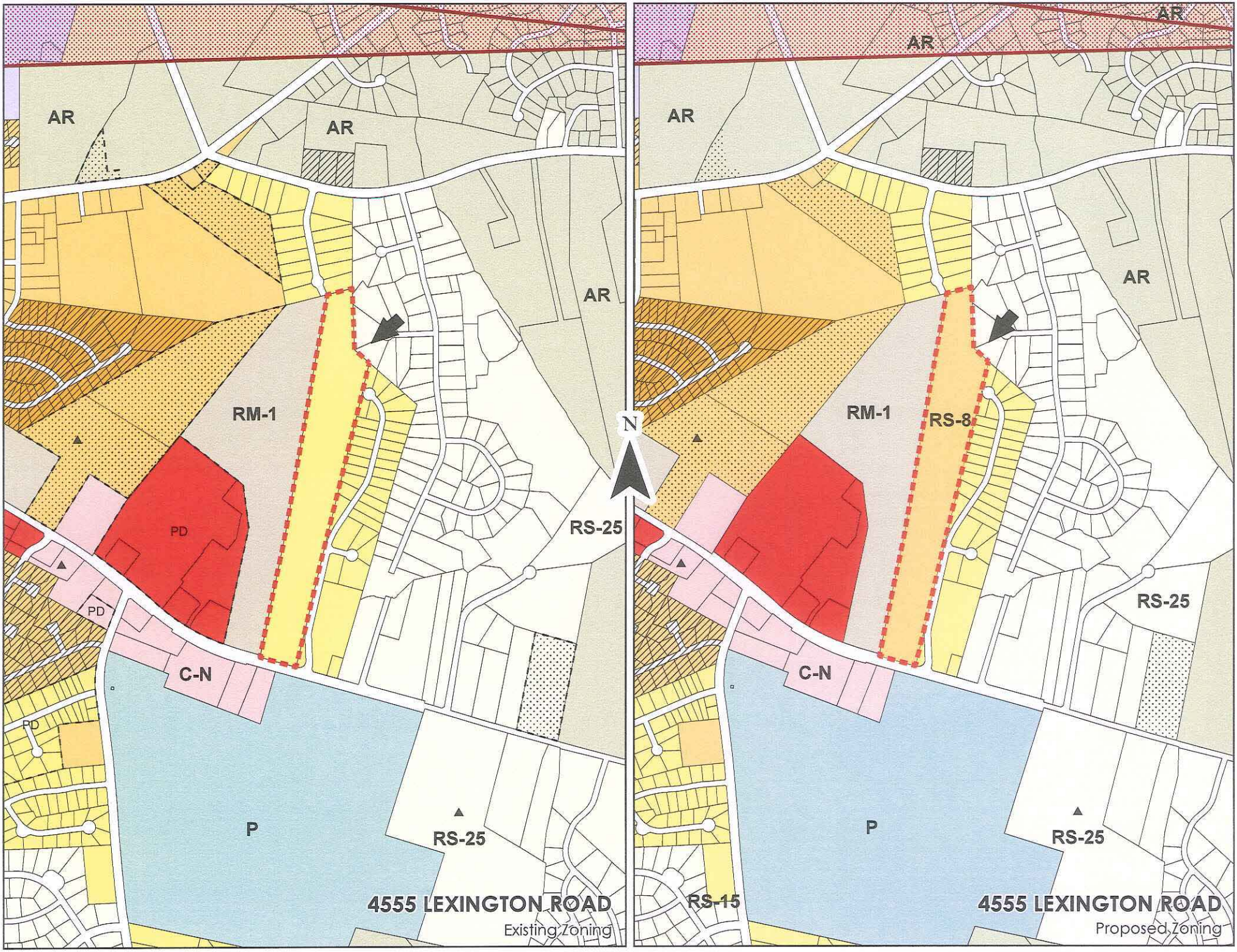
III. CURRENT STATUS

The request and the Planning Commission recommendation are tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on August 16, 2022. The Mayor and Commission are tentatively scheduled to take action on this request on September 6, 2022.

REPORT FOR: 4555 Lexington Road

Reviewed	Not Applicable	Zoning Criteria for Type II Applications
X		1. The proposed rezoning conforms to the future development map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
	X	2. The proposed special use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements.
X		3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning.
X		4. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.
X		5. Existing land use pattern surrounding the property in issue
X		6. Possible creation of an isolated district unrelated to adjacent and nearby districts
X		7. Population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities and streets
X		8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures
X		9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity
X		10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations
X		11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment
X		12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area
X		13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal

Public Notice: In accordance with Section 9-4-9(E), public notice of this zoning request was posted on or near the subject property on July 15, 2022.


AR
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PD
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PD
C-N
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RS-25
RS-25
N
4555 LEXINGTON ROAD
Existing Zoning
AR
AR
AR
RM-1
RS-8
RS-25
C-N
P
RS-25
RS-15
4555 LEXINGTON ROAD
Proposed Zoning

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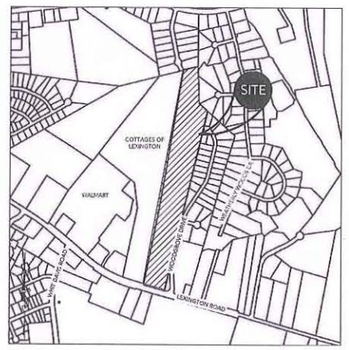


LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION

DRAWING SET PREPARED BY:	OWNER/DEVELOPER:
CARTER ENGINEERING	0590 OJR, LLC
3651 MARS HILL ROAD, STE 2000	2376 CABOT CREEK DR.
WATKINSVILLE, GA 30677	BUFORD, GA 30518
CONTACT: JEFF CARTER, P.E.	CONTACT: STEVE OXEMANN
PHONE: 770.725.1200	404.372.6402
JEFF@CARTERENGINEERING.NET	STEVE@CABOT-LAND.COM

SITE INFORMATION

JURISDICTION	ATHENS-CLARKE COUNTY
PROPERTY LOCATION	4555 LEXINGTON RD ATHENS, GA 30605
PARCEL NUMBER	234 019
CURRENT ZONING	RS-15 (SINGLE-FAMILY)
PROPOSED ZONING	RS-8 (SINGLE-FAMILY)
OVERLAY DISTRICT	NONE
EXISTING USE	RESIDENTIAL PROPERTY
PROPOSED USE	SINGLE-FAMILY RESIDENTIAL
BUFFERS REQUIRED	50' UNDISTURBED BUFFER (EAST)
REQUIRED BUILDING SETBACKS	FRONT: 15-FEET SIDE: 6-FEET REAR: 15-FEET
MAXIMUM LOT COVERAGE	45%
MINIMUM LANDSCAPE	55%
MAXIMUM BUILDING HEIGHT	30-FEET
SANITARY SEWER SERVICE	ATHENS-CLARKE COUNTY
WATER SERVICE	ATHENS-CLARKE COUNTY
FEMA FIRM NUMBER	13059C0027D
FEMA FIRM DATE	APRIL 02, 2007
FEMA SFHA ZONE	"ZONE X"

DEVELOPMENT SUMMARY & DESIGN CALCULATIONS

CURRENT ZONING	RS-15 (SINGLE-FAMILY)
PROPOSED ZONING	RS-8 (SINGLE-FAMILY)
TOTAL TRACT AREA	1164019 SF (26.72 ACRES)
UNITS ALLOWED	101.54 UNITS
DENSITY ALLOWED	3.80 UNITS PER ACRE
UNITS PROVIDED	87 UNITS
DENSITY PROVIDED	3.26 UNITS PER ACRE
PARKING REQUIREMENT	TWO PARKING SPACES PER DWELLING UNIT ON-STREET REQUIREMENT: 1 PARKING SPACE PER 2 UNITS
PARKING REQUIRED	218 PARKING SPACES
PROPOSED PARKING	218 PARKING SPACES
OFF-STREET PARKING	174 SPACES
ON-STREET PARKING	44 SPACES

TOTAL TRACTS

MAXIMUM COVERAGE	523,809 SF	12.02 ACRES	45.00%
MINIMUM LANDSCAPE	640,210 SF	14.70 ACRES	55.00%
IMPERVIOUS COVERAGE	326,873 SF	7.50 ACRES	28.08%
STRUCTURES	117,450 SF	2.70 ACRES	10.09%
VEHICULAR	156,591 SF	3.59 ACRES	13.45%
PEDESTRIAN	57,832 SF	1.21 ACRES	4.54%
LANDSCAPE COVERAGE	837,146 SF	19.22 ACRES	71.92%
TOTAL TRACT AREA	1,164,019 SF	26.72 ACRES	100.00%
WETLANDS & RIPARIAN	35,567 SF	0.82 ACRES	3.06%
ADJUSTED DEVELOPMENT (AD)	1,128,452 SF	25.91 ACRES	96.94%
OPEN SPACE REQUIRED (5% AD)	56,423 SF	1.30 ACRES	4.85%
OPEN SPACE PROVIDED	222,946 SF	5.12 ACRES	19.15%

ATHENS-CLARKE COUNTY NOTES

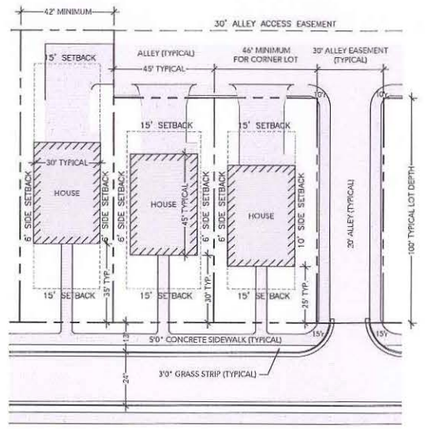
THE PROJECT AND USE WILL COMPLY WITH THE SOLID WASTE AND RECYCLING ORDINANCE OF THE A-CC CODE ORDINANCE . PROPERTY MANAGEMENT TO COORDINATE SERVICE WITH SOLID WASTE PROVIDER. RECEPTACLES TO BE SCREENED PER ORDINANCE.

ALL OUTDOOR LIGHTING FIXTURES AND PRODUCTS SHALL ADHERE TO ALL STANDARDS IN SECTIONS 9-19-4 AND 9-25-8(B)(5) OF THE ATHENS-CLARKE COUNTY CODE OF ORDINANCES.

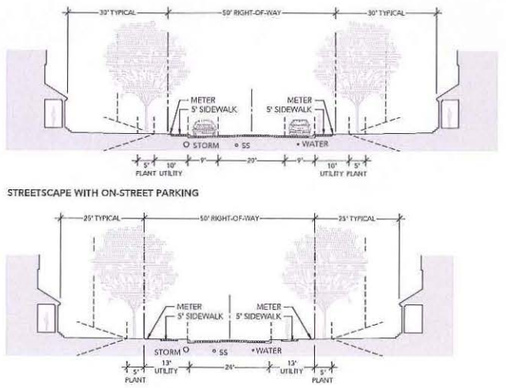
ALL CONSTRUCTION SHALL BE IN CONFORMANCE WITH TRANSPORTATION AND PUBLIC WORKS TECHNICAL STANDARDS.

ALL ENTRANCES, BUILDINGS, AND DRIVES SHALL CONFORM TO ALL NECESSARY AND ALL APPLICABLE STANDARDS AND REGULATIONS SET BY THE ACC CODE OF ORDINANCES.

PROPOSED UTILITIES ARE TO BE INSTALLED UNDERGROUND.



TYPICAL LOT LAYOUT
SCALE: 1" = 30'0"

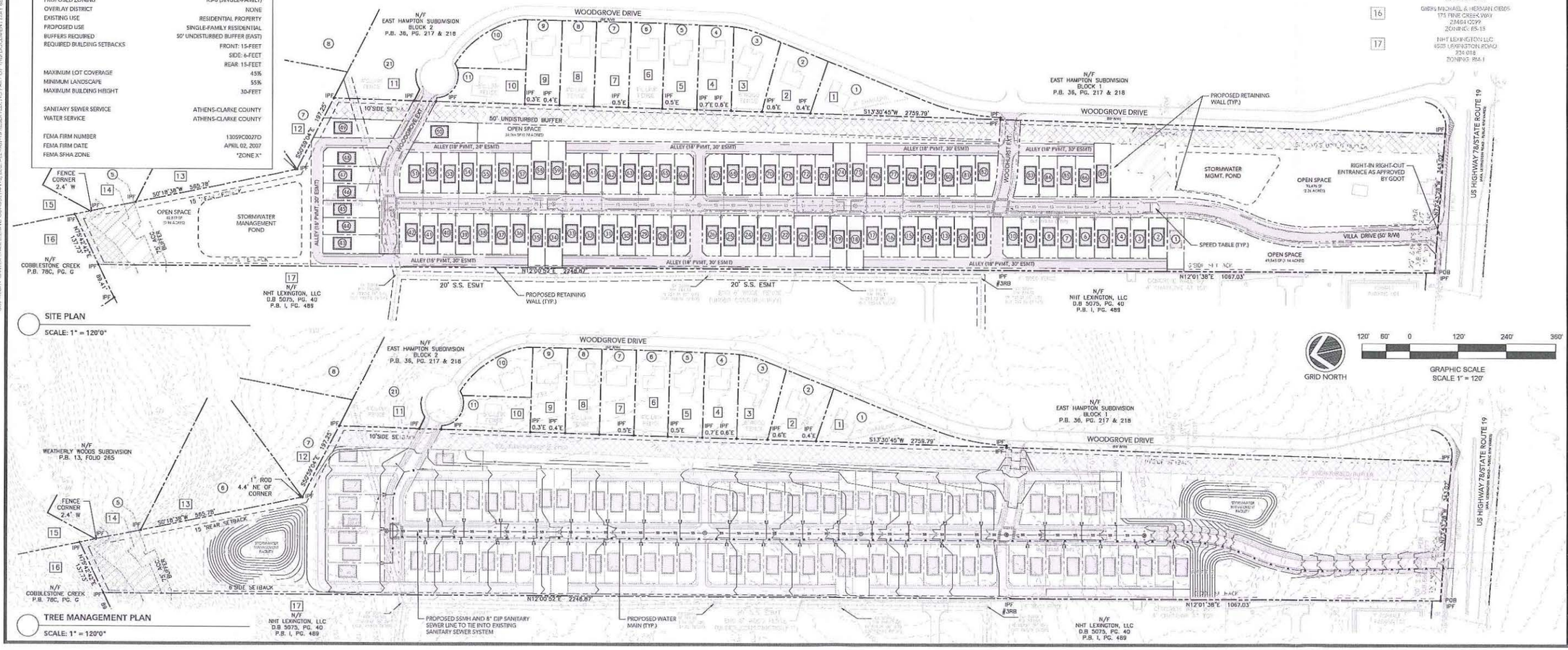


TYPICAL STREET CROSS SECTIONS
SCALE: 1" = 20'0"

ADJACENT PROPERTY OWNER INFORMATION

1. WARRNER JUDITH D & WARRNER JAMES M, 215 WOODGROVE DRIVE, 23481 6001, ZONING: RS-15
2. TON TAM MINH & THUY NGOC THI DANG, 225 WOODGROVE DRIVE, 23481 6003, ZONING: RS-15
3. [illegible], 235 WOODGROVE DRIVE, 23481 6005, ZONING: RS-15
4. [illegible], 245 WOODGROVE DRIVE, 23481 6007, ZONING: RS-15
5. [illegible], 255 WOODGROVE DRIVE, 23481 6009, ZONING: RS-15
6. [illegible], 265 WOODGROVE DRIVE, 23481 6011, ZONING: RS-15
7. MOTTO ROBERT LAWRENCE & SANDRA JOY, 275 WOODGROVE DRIVE, 23481 6007, ZONING: RS-15
8. COOK EUGENIA & CHARLES COOK, 285 WOODGROVE DRIVE, 23481 6005, ZONING: RS-15
9. RUBIAS BRENEE, 295 WOODGROVE DRIVE, 23481 6003, ZONING: RS-15
10. BRILL KAREN & MICHAEL BRILL, 315 WOODGROVE DRIVE, 23481 6001, ZONING: RS-15
11. UNKNOWN OWNER & ADDRESS, EAST HAMPTON SUBDIVISION, 23481 6041 (LOT NUMBER 21), ZONING: RS-15
12. SAUNDERS MICHAEL & LYNN SAUNDERS, 195 HONEYSUCKLE COURT, 23481 6010, ZONING: RS-25
13. BROME NANCY B, 190 HONEYSUCKLE COURT, 23481 6011, ZONING: RS-25
14. FLETCHER ANDREW, 160 HONEYSUCKLE COURT, 23481 6012, ZONING: RS-25
15. WRIGHT BOOKER T, 195 WEATHERLY COURT, 23481 6021, ZONING: RS-25
16. GWIN MICHAEL & HERMAN CIBBS, 175 PINE CREEK WAY, 23481 6099, ZONING: RS-15
17. NHT LEXINGTON LLC, 4525 LEXINGTON ROAD, 234 018, ZONING: RM-1

Non-Binding



SITE PLAN
SCALE: 1" = 120'0"

TREE MANAGEMENT PLAN
SCALE: 1" = 120'0"

GRID NORTH

120' 60' 0 120' 240' 360'
GRAPHIC SCALE
SCALE 1" = 120'

REVISION BLOCK

ISSUE	REVISION DATE & DESCRIPTION
1	07.01.22 - REZONE INITIAL SUBMITTAL
2	
3	
4	
5	
6	
7	
8	

GEORGIA REGISTERED No. 000000000083 ENGINEER JAMES J CARTER
GSWCC Level II Certification No. 000000000083

CARTER ENGINEERING

CARTER ENGINEERING
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WATKINSVILLE, GA 30677
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F: 770.725.1204
www.carterengineering.com

SITE DEVELOPMENT PLANS FOR VILLAS OF SHOAL CREEK

4555 LEXINGTON RD - ATHENS, GA 30605

SHEET TITLE: SITE PLAN
PROJECT NAME: CABOT LAND
SHEET NUMBER: SP1
PROJECT NUMBER: 22003CCC
DATE: 07.01.22

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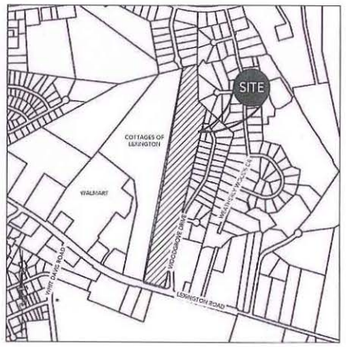

LOCATION MAP
SCALE: N.T.S.

PROJECT INFORMATION

DRAWING SET PREPARED BY:	OWNER/DEVELOPER:
CARTER ENGINEERING	0390 OJK, LLC
3651 MARS HILL ROAD, STE 2000	2376 CABOT CREEK DR.
WATKINSVILLE, GA 30677	BUFORD, GA 30518
CONTACT: JEFF CARTER, P.E.	CONTACT: STEVE OXEMANN
PHONE: 770.725.1200	404.372.6602
JEFF@CARTERENGINEERING.NET	STEVE@CABOT-LAND.COM

SITE INFORMATION

JURISDICTION	ATHENS-CLARKE COUNTY
PROPERTY LOCATION	4555 LEXINGTON RD ATHENS, GA 30605
PARCEL NUMBER	234 019
CURRENT ZONING	RS-15 (SINGLE-FAMILY)
PROPOSED ZONING	RS-8 (SINGLE-FAMILY)
OVERLAY DISTRICT	NONE
EXISTING USE	RESIDENTIAL PROPERTY
PROPOSED USE	SINGLE-FAMILY RESIDENTIAL
BUFFERS REQUIRED	50' UNDISTURBED BUFFER (EAST)
REQUIRED BUILDING SETBACKS	FRONT: 15-FEET SIDE: 6-FEET REAR: 15-FEET
MAXIMUM LOT COVERAGE	45%
MINIMUM LANDSCAPE	55%
MAXIMUM BUILDING HEIGHT	30-FEET
SANITARY SEWER SERVICE	ATHENS-CLARKE COUNTY
WATER SERVICE	ATHENS-CLARKE COUNTY
FEMA FIRM NUMBER	13059C0027D
FEMA FIRM DATE	APRIL 02, 2007
FEMA SFHA ZONE	"ZONE X"

TREE MANAGEMENT REQUIREMENTS

TREE CANOPY REQUIRED (45%)	523,809 SF
CONSERVED TREE CANOPY REQUIRED (15%)	174,603 SF
CANOPY REQUIRED PER LOT (35%) (AVG. LOT =4,500 SF)	1,375 SF

EACH LOT HAS AT LEAST ONE (1) LARGE CANOPY TREE WORTH 1,600 CANOPY POINTS

STREET TREE REQUIREMENT: ONE STREET TREE SHALL BE REQUIRED FOR EVERY THIRTY (30) FEET OF FRONTAGE FOR PORTION OF THE DEVELOPMENT FRONTING THE STREET.

LEXINGTON ROAD FRONTAGE	293 LF
STREET TREES REQUIRED	10 STREET TREES
STREET TREES PROVIDED	10 STREET TREES
VILLA DRIVE FRONTAGE	2,475 LF
STREET TREES REQUIRED	83 STREET TREES
STREET TREES PROVIDED	101 STREET TREES
WOODHURST EXT. FRONTAGE	160 LF
STREET TREES REQUIRED	5 STREET TREES
STREET TREES PROVIDED	5 STREET TREES
WOODGROVE EXT. FRONTAGE	366 LF
STREET TREES REQUIRED	12 STREET TREES
STREET TREES PROVIDED	12 STREET TREES

	QUANTITY	TOTAL CANOPY	% OF TOTAL SITE
CONSERVED TREE CANOPY	1	256,821 SF	22.06%
PROPOSED LARGE TREES	167	267,200 SF	22.95%
PROPOSED CANOPY COVERAGE		524,021 SF	45.02%

ATHENS-CLARKE COUNTY NOTES

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PROPOSED UTILITIES ARE TO BE INSTALLED UNDERGROUND.



PROPOSED LANDSCAPE BUFFER - OPEN CANOPY
INSTALL IN AREAS VOID OF EXISTING CANOPY COVER (AS NEEDED)

PROPOSED LANDSCAPE BUFFER - EXISTING CANOPY
INSTALL IN AREAS WITH EXISTING CANOPY COVER (AS NEEDED)

TYPICAL BUFFER LAYOUT
NTS

ADJACENT PROPERTY OWNER INFORMATION

1. WARNER JUDITH D & WARNER JAMES M, 315 WOODGROVE DRIVE, 23483 0001, ZONING: RS-15
2. TON TAM MINH & THUY NGOC THI DANG, 229 WOODGROVE DRIVE, 23483 0002, ZONING: RS-15
3. [illegible], 235 WOODGROVE DRIVE, 23483 0003, ZONING: RS-15
4. RANS ROSARIA, 245 WOODGROVE DRIVE, 23483 0004, ZONING: RS-15
5. BOWDEN CHRISTINA MICHELLE, 255 WOODGROVE DRIVE, 23483 0005, ZONING: RS-15
6. BURKE MARY L, 265 WOODGROVE DRIVE, 23483 0006, ZONING: RS-15
7. MOTTO ROBERT LAWRENCE & SANDRA JOY, 275 WOODGROVE DRIVE, 23483 0007, ZONING: RS-15
8. COOK EUGENIA & CHARLES COOK, 285 WOODGROVE DRIVE, 23483 0008, ZONING: RS-15
9. BURNS BRENEE, 295 WOODGROVE DRIVE, 23483 0009, ZONING: RS-15
10. BRELAARON & MICHAEL BRELL, 315 WOODGROVE DRIVE, 23483 0011, ZONING: RS-15
11. UNKNOWN OWNER & ADDRESS, EAST HAMPTON SUBDIVISION, 23483 B001 (LOT NUMBER 21), ZONING: RS-15
12. SAUNDERS MICHAEL A LYNN SAUNDERS, 190 HONEYSUCKLE COURT, 23481 0010, ZONING: RS-25
13. BREMIE NANCY B, 190 HONEYSUCKLE COURT, 23481 0011, ZONING: RS-25
14. FLETCHER ANDREW, 160 HONEYSUCKLE COURT, 23481 0012, ZONING: RS-25
15. WRIGHT BOOKER T, 195 WEATHERLY COURT, 23481 B024, ZONING: RS-25
16. GIBBS MICHAEL & HERMAN GIBBS, 175 FINE CREEK WAY, 23484 0299, ZONING: RS-15
17. NHT LEXINGTON LLC, 4555 LEXINGTON ROAD, 234 019, ZONING: RS-1

Non-Binding

REVISION BLOCK		
ISSUE	REVISION DATE & DESCRIPTION	
1	07.01.22 - REZONE INITIAL SUBMITTAL	
2		
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GEORGIA REGISTERED No. 000 PROFESSIONAL ENGINEER JAMES J CARTER

GSWCC Level II Certification
No. 0000000000083

CARTER ENGINEERING

CARTER ENGINEERING
3651 MARS HILL ROAD
SUITE 2000
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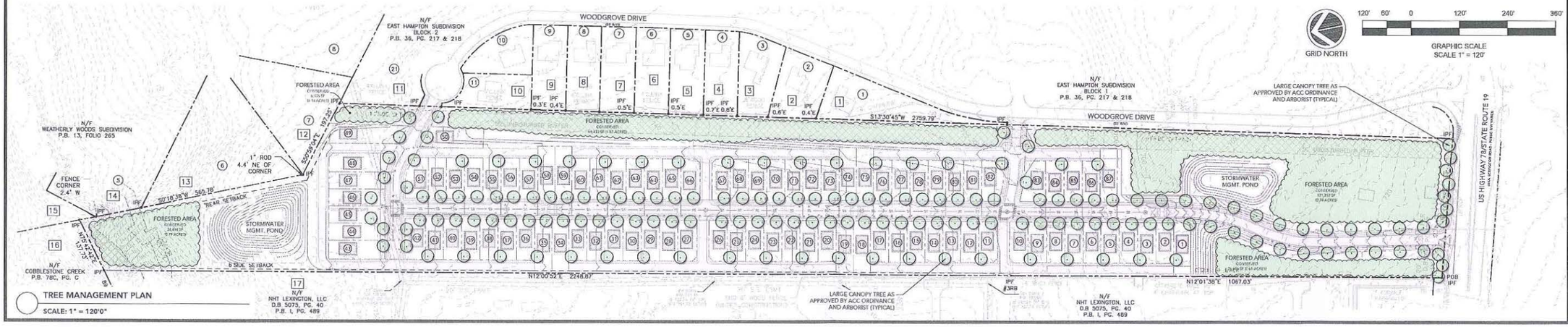

TREE MANAGEMENT PLAN
SCALE: 1" = 120'0"

SITE DEVELOPMENT PLANS FOR VILLAS OF SHOAL CREEK

4555 LEXINGTON RD - ATHENS, GA 30605

SHEET TITLE: SITE PLAN

PROJECT NAME: CABOT LAND

SHEET NUMBER: TMP

PROJECT NUMBER: 22003CCC

DATE: 07.01.22

ENGINEER/DESIGNER NOT RESPONSIBLE FOR COST CHANGES DURING PREL/MINARY PHASE. BIDS & QUOTES SHALL BE BASED ON PLAN SETS LABELED "ISSUE FOR BID". BIDS & QUOTES SHALL BE REVISED BASED ON PLANS LABELED "ISSUE FOR CONSTRUCTION".

ATHENS-CLARKE COUNTY
Type II Rezone Request

VILLAS OF SHOAL CREEK

PROJECT NARRATIVE & WRITTEN REPORT
July 1, 2022

ADDRESS
4555 Lexington Road, Athens, GA 30605
Parcel No. 234 019

CURRENT ZONING
RS-15 (Single-Family Residential)

PROPOSED ZONING
RS-8 (Single-Family Residential)

Non-Binding

8/9/22

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Non-Binding

VILLAS OF SHOAL CREEK RESIDENTIAL DEVELOPMENT

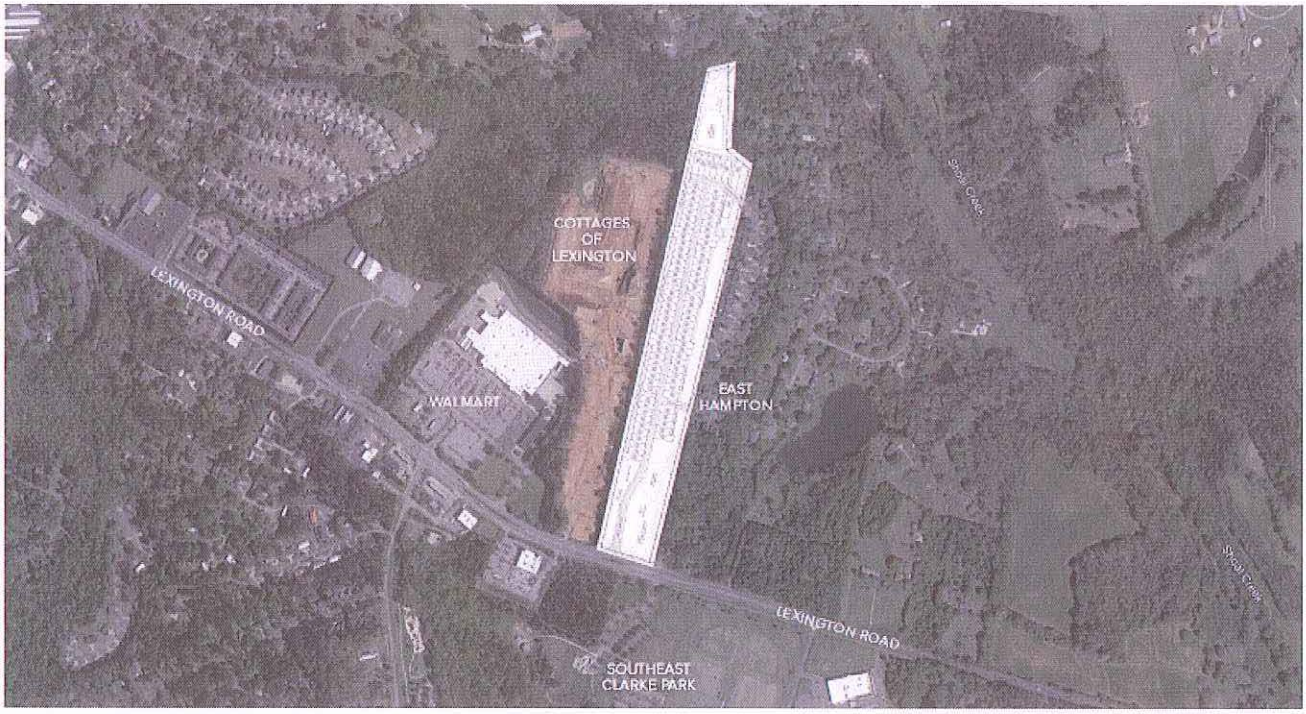

Figure 1 Aerial Map and Site Overlay

VILLAS OF SHOAL CREEK is a single-family residential project located along Lexington Road just past the Lexington Walmart Shopping Center. The proposed community is designed for those who are in the market for low maintenance housing and communal living that promotes social activity and interaction. The property has approximately 343 feet of frontage along Lexington Road and extends back to a depth of over 3,000 linear feet. The property itself is somewhat limited by its linear shape, but it allows residents the ability to have quick and easy access and egress. The existing vegetation at the project's entrance will be conserved and supplemental plantings will be added along the street to provide and preserve the natural visual aesthetics and an extensive canopy coverage present on the site.

CURRENT USE + SITE DESCRIPTION

The 26.72-acres site is located at 4555 Lexington Road. It sits directly adjacent to the Southeast Clarke Park and is in walking distance to numerous commercial retail establishments along Lexington Road. The tract of land is currently vacant with two residential structures located along the entrance of the site (one such structure being dilapidated). The tract of land is predominately covered with vegetation and populated with numerous deciduous hardwoods and coniferous pines. There are significant elevation changes throughout the site. The first half of the property encounters nearly a 20-foot drop from the entrance and then begins to climb approximately 40-feet in elevation as it nears the East Hampton cul-de-sac. Entrance into the site is currently provided by an asphalt driveway that has been left to disrepair and overgrown with vegetation.

ATHENS-CLARKE COUNTY FUTURE LAND USE MAP + ZONING

The proposed rezone request does conform to the Future Land Use Map of Athens-Clarke County. The Land Use Map designates this parcel as Single-Family

Housing. Per the Land Use Compatibility Matrix, an RS-8 zoned property is compatible with the Single-Family Residential land use (see Figure 2).

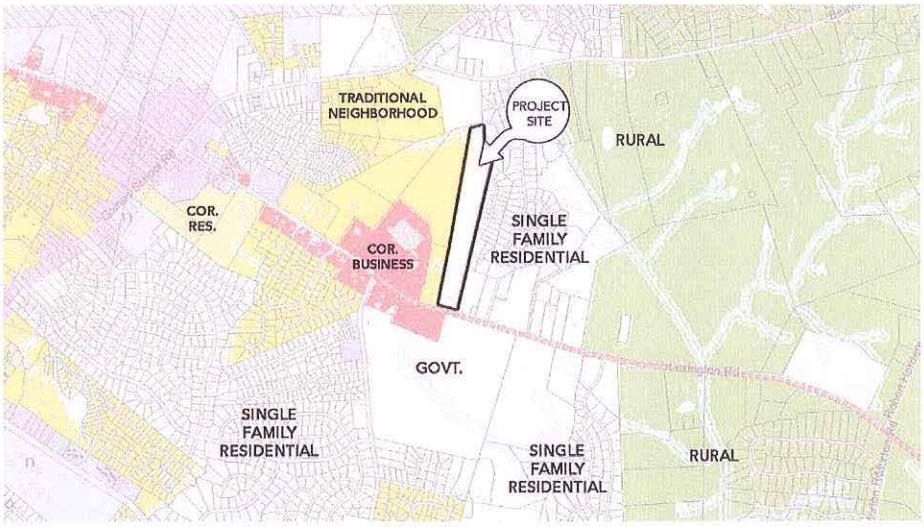

Figure 2 Athens-Clarke County Future Land Use Map

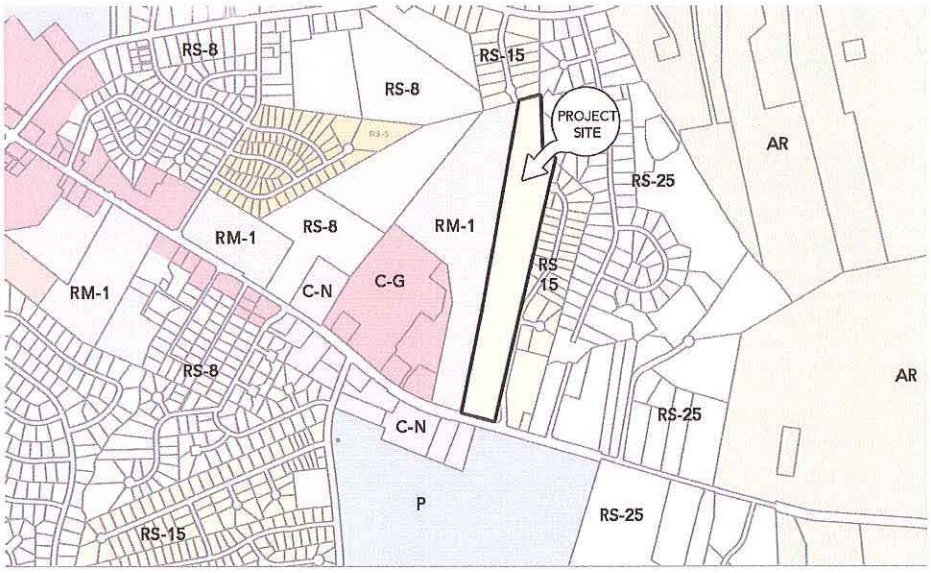

Figure 3 Existing Zoning Map

The property is predominately surrounded by residential developments with Cottages of Lexington (RM-1 Zoning) to the West and East Hampton (RS-15 Zoning) to the East. The existing zoning of the property is RS-15 (Single-Family Residential). A Type II rezone is being requested in efforts to allow for smaller and denser lots and lot sizes to allow our client the ability to practically develop the property in the best way possible. Due to numerous constraints involving the topography and existing utilities (explained later), a rezone from RS-15 to RS-8 would be the most practical, most efficient, and most rewarding course of action for Athens-Clarke County and its citizens.

As you can see from Figure 3, there are several RS-8 zoned properties nearby that could be developed in a similar fashion which eliminates any sense or notion of spot-zoning or district isolation. Furthermore, with the installation of the Cottages at Lexington (the RM-1 neighbor to the West), there stands an opportunity to allow the proposed Villas of Shoal Creek development to act as a zoning buffer between the Cottages at Lexington and the RS-15 zoned neighborhood and community of East Hampton. By granting this rezone request, the property would allow for a more subtle and desired transition between the two communities. Cottages at Lexington, a mixed-density RM-1 development allows for development density up to 6.0 lots per acre whereas East Hampton is limited 2.0 units per acre per the Athens-Clarke County Zoning Ordinance. The proposed development will be limited to 3.8 units per acre which will help aid and support the balance between its neighboring properties—the family life demographic of East Hampton (RS) and the urban living atmosphere of Cottages at Lexington (RM).

PROPOSED USE + SITE DESIGN

The proposed use of the property is for a single-family residential development. Rezoning the property to RS-8 allows for 101 units to be developed on-site but in efforts to work with the existing topography and to conserve and utilize as much open space as possible, we are proposing a total of 87 units. The design of the overall site circles around the concept of hiding the unsightly by proposing numerous alleys along the perimeter of the property to allow vehicles and garage equipment to be hidden from view. In addition to hiding the unsightly, the buildings are setback from the front setback line and staggered from one another to make the area appear larger and to promote and establish a traditional neighborhood aesthetic. The initial views entering the development and going along Villa Drive will be expanded and canvased by the canopy of the proposed trees that line the Right-of-Way and that shade all the walkways and on-street parking spaces allowing for a more communal aesthetic that creates a type of greenway for all the potential residents.

Because of the linear nature of the property, the access road (Villa Drive) must be mostly linear and without curves making Villa Drive susceptible to speeding. As a result, the proposed site plan shows three (3) speed tables that would double as raised crosswalks and traffic calmers.

VEHICULAR ACCESS

The development proposes one main entrance into the development—a right-in right-out entrance along Lexington Road. The proposed entrance will be designed and installed per GDOT standards and regulations. Additional entrances to the development are proposed along Woodgrove Drive—one being at the cul-de-sac and one being directly across from Woodhurst Drive. All access points will be designed and installed per the standards and regulations set forth by the ACC Transportation and Public Works Department.

TRAFFIC GENERATION

A Trip Generation Analysis has been prepared for the site by referencing the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition). The ITE is the industry standard source for providing and analyzing trip generation for various land uses. In summary, the analysis does not find any adverse impacts associated with the traffic generated by this development and the adjacent properties, streets, and intersections.

LAND USE	ITE CODE	WEEKDAY TRIPS	AM PEAK HOUR		MD PEAK HOUR		PM PEAK HOUR	
			IN	OUT	IN	OUT	IN	OUT
SINGLE FAMILY	210	957	18	53	30	20	57	34

*Calculations based on 87 proposed dwelling units

UTILITIES + PUBLIC SERVICES

The development will require sewage disposal and water supply by Athens-Clarke County. All utilities planned and required for the project shall be installed underground.

WATER. Water is proposed to connect to an existing main that is within the Lexington Road Right-of-Way.

Probable Water Demands and Assumptions:
Assume 100 GPD/Resident
Assume 2.6 Residents/Dwelling Unit
87 Dwelling Units Proposed

Formula: 260 x 87 = 22,620 GPD (15.7 GPM) Daily
PEAK HOUR DEMAND: 15.7 x 3 (Peak Factor) = 47.1 GPM

SEWER. There is currently an existing gravity sewer main that traverses the north side of the property. The gravity line will be installed that will serve the development. Design and installation shall conform to all sewer regulations and requirements set forth in the Athens-Clarke County Code of Ordinances and all other warranted regulations.

Probable Sanitary Sewer Demands and Assumptions:
Assume 15.7 GPM Average Water + Sanitary Sewer Daily Usage

PEAK HOUR DEMAND: 15.7 x 4 (Peak Factor) = 62.8 GPM

STORMWATER MANAGEMENT

The development has two (2) proposed stormwater management facilities; one at either end of the development. The proposed stormwater management system will be designed to meet local, state, and federal regulations and requirements. Throughout the site, stormwater is collected and traversed through pipes and swales and directed to the proposed stormwater detention areas as shown on the plan. Post development run-off and water quality will be maintained in accordance with Athens-Clarke County and State of Georgia standards.

ENVIRONMENTAL IMPACTS + BUFFERING

The subject property has an existing creek located at the north end of the property. The required setback has been labeled and addressed accordingly with the design. There is also an area near the center of the site deemed a wetland and appropriate design decisions have been made to limit any and all impaction to the area. A Stormwater Management Plan and Erosion Control Plan will be prepared to mitigate any necessary or expected offsite impactions during construction.

Per ACC Code, a minimum of 15% of the existing tree canopy will be conserved and a minimum of 45% canopy coverage shall be provided in accordance with RS-8 zoning. Currently on the site plan, we propose approximately 25% of conserved canopy coverage to remain on-site.

Street trees will be proposed and planted along all proposed streets at a rate of one tree for every thirty (30) feet of roadway (see Tree Management Plan). All landscaped and structural buffers as required by County code shall be proposed and planted in accordance with local code and regulations. A 50-foot undisturbed landscape buffer is required along the eastern property line, abutting the East Hampton neighborhood. The buffer shall be designed and installed in accordance with Athens-Clarke County Code. Site utilities and stormwater management facilities will not encroach into landscape buffers. Buffers shall be maintained in accordance with County code and regulations.

LIGHTING

Any proposed outdoor lighting fixtures for this development shall be fully shielded and shall adhere to all standards and specifications set forth in Section 9-19-4 and Section 9-25-8(E)(5) of the Athens-Clarke County Code of Ordinances.

ADJACENT PROPERTIES

The development shares a common property line with (13) RS-15 Properties, (4) RS-25 Properties, and (1) RM-1 Property. The proposed development does not conflict with or negatively impact any of these properties.

TRASH DISPOSAL + RECYCLING

All solid waste disposal and screening required by ACC shall be in accordance with Athens-Clarke County code and shall be applied for as development plans are submitted.

IN ACCORDANCE WITH THE PLANNED DEVELOPMENT CRITERIOR FOR THE PLANNING COMMISSION OF ATHENS-CLARKE COUNTY, THE WRITTEN REPORT ITEMS REQUIRED ARE LISTED BELOW:

1. FUTURE LAND USE MAP (FLUM) DESIGNATION:
   The proposed rezone request does conform to the Future Land Use Map and is generally adaptable to the physical development of Athens-Clarke County. The FLUM designates the subject property as Single-Family Residential. The proposed development and rezone is for a single-family residential use and no change to the use is requested.

2. REZONE CORRESPONDS WITH ACC ORDINANCE & COMPREHENSIVE PLAN:
   The proposed scale, density, and overall design of the proposed development meets all required criteria the RS-8 zoning.

3. ADEQUATE AND SUFFICENT AVAILABILITY OF PUBLIC SERVICES:
   The subject property is currently available to be served by the Athens-Clarke County Public Utilities Department (ACCPUD) for water and sewer services. Currently, an 8" gravity sewer main traverses from the northside of the property. Conceptual connections to water and sewer are shown on the plans and a water and sewer evaluation letter has been submitted to the ACCPUD.

4. LAND USE BALANCE:
   The proposed development and rezone will not adversely affect the balance of land uses in Athens-Clarke County as the requested rezone does not change the use of the property. The proposed development is consistent with the adjoining property which are residential.

5. SURROUNDING LAND USE PATTERNS:
   The existing land use pattern surrounding the property is primarily single-family residential. There will be no consequential cause or issue with the surrounding land uses because of this rezone as the subject property is currently single-family residential.

6. ZONING DISTRICT ISOLATION:
   There are several RS-8 zoned properties nearby that could be developed in a similar fashion which eliminates any sense or notion of spot-zoning or district isolation. Also, the adjoining property to the East is RS-15 whereas the adjoining property to the West is RM-1; an RS-8 zoning would allow for a smoother transition between densities.

7. TAXING OF EXISTING PUBLIC FACILITIES:
   The current zoning of the property (RS-15) allows for a density of 2.0 units per acre—by right, the ~27-acre site is allowed 54 dwelling units with the current zoning. It is not anticipated that the addition of 33 extra dwelling units from the 54 that are currently allowed on the property would over tax existing public facilities.

8. COST OF UNIFIED GOVERNMENT:
   Existing sewer and water capacity is expected to be adequate for the development.

9. ENVIRONMENTAL IMPACT:
   The increase of stormwater runoff will be mitigated through the use, design, and installation of the two stormwater management ponds proposed on the plans. Water quality will be addressed using infiltration structures, filtration devices, and/or water quality monitoring as required by ACC standards and regulations. Wetlands and riparian areas delineated on the site plan shall be maintained and protected and best management practices employed for Erosion and Sedimentation Control in accordance with county, state, and federal regulations.

10. IMPACT TO ADJACENT PROPERTIES:
    There are no expected or projected adverse impactions to adjoining properties. The RM-1 zoned property to the West is currently bordered by C-G and RS-8 zoned properties, apart from the RS-15 zoned property in question. By allowing this rezone, the RM-1 zoned property and the surrounding RS-15 properties would be in better transition to one another.

11. CURRENT USE OF PROPERTY:
    Current zoning of the property does not allow for practical development of the site and compromises the integrity of the RS-15 zoning by sharing a property line with an RM-1 developed lot. The Athens-Clarke County Code of Ordinances defines the RS Single Family Residential District as being a "district that promotes and encourages a suitable environment for family life" whereas the RM Mixed Density Residential District is defined as being a "district designed to provide an environment suitable for urban living". By rezoning the subject property from RS-15 to a more densely designed RS-8 property, the integrity of the ACC code and the purpose of the RS district is best supported.

12. AESTHETIC EFFECT OF PROPERTY:
    The design of the proposed development takes into consideration numerous aesthetic principles as noted above in the report. It is expected that the proposed development will be a significant improvement to the existing aesthetics of the property and the surrounding area. As mentioned before, with the expectation that this development will provide a buffer between the neighboring properties, it is also expected that it will provide a visual barrier between the two properties and allow for a more subtle transition between property lines.

13. ADDITIONAL CONCERNS WITH DEVELOPMENT OF PROPERTY:
    There are several existing constraints that warrant the rezoning of the property from RS-15 to RS-8. Due to the irregular shape and the topographic constraints of the site, the development of the site requires that the dwelling units be placed near the rear of the property. The topography and the existing gravity main near the rear of the site makes the entire front half of the property unable to be developed. This rezone would allow our client the ability to practically develop the property in the best way possible.

Stephen Jaques

From: Max Doty
Sent: Wednesday, August 3, 2022 8:10 AM
To: Stephen Jaques
Cc: Bruce Lonnee
Subject: FW: [EXT] Comment on Proposed Zoning Action

From: Mary Burke <mlburke59@gmail.com>
Sent: Tuesday, August 2, 2022 7:51 PM
To: Planning <Planning@accgov.com>
Subject: [EXT] Comment on Proposed Zoning Action

EXTERNAL SENDER: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Regarding the proposed zoning of the property at 4555 Lexington Rd, from RS-15 to RS-8:

I am a resident of East Hampton Subdivision. *I am a widow, and I purposely chose this community a few years ago because it was quiet, away from noisy, heavily-populated areas. I want to stay here because it is near my children and grandchildren. But if the proposed development is approved, it will come almost to my back yard. It would take away the peace and quiet I have so much enjoyed. It would also remove practically all the green space where wildlife live. I would have to consider moving, which would be extremely difficult for me. I am asking that the commission deny this zoning request. PLEASE!!*

Sincerely,
Mary L. Burke
265 Woodgrove Dr.
Athens, GA 30605

Richard Cowick

From: Bruce Lonnee
Sent: Wednesday, July 27, 2022 10:28 AM
To: Brad Griffin; Richard Cowick; Stephen Jaques
Subject: FW: [EXT] Lexington Road rezoning proposal

FYI

-----Original Message-----
From: Margaret Durden <mdurden1210@gmail.com>
Sent: Wednesday, July 27, 2022 10:27 AM
To: Planning <Planning@accgov.com>
Subject: [EXT] Lexington Road rezoning proposal

EXTERNAL SENDER: This email originated from outside of the organization.
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East Hampton subdivision is a quiet neighborhood with the majority of the homeowners over the age of 50. The land in question is wooded and provides somewhat of a buffer to the cottages. I would like to submit my objection to rezoning of the property to RS-8. Thank you for your attention to this matter.

Margaret Durden
305 Woodgrove Drive
Athens, Georgia 30605

Attention: Richard Cowick

DEAN SUBMISSION IN OPPOSITION TO REZONING

The area subject to the pending rezoning request (the "Subject Area") is adjacent to existing properties along Woodgrove Drive on the east side of Athens. In particular the east side of the Subject Area is the home of a beautiful green space (the "Green Space Buffer") containing a mature stand of trees and other vegetation (see Figures 1, 2, & 3). It provides shade and cooling, and constitutes a natural buffer to noise and environmental pollutants generated by the activities in the Subject Area as well as the adjoining properties. The mature trees surely remove a lot of CO^2 from the air and replace it with fresh healthy oxygen.

I respectfully submit that changing the zoning for the Subject Area would have a profoundly adverse and lasting impact upon the surrounding area, especially upon the neighboring properties immediately to the east. The proposed rezoning is sought to facilitate construction of more high density single-family residences like the residences already constructed by the Applicant (see Figure 4). The architecture of the new buildings is not at all compatible with the surrounding area to the east (see Sec. 9-20-5-C-3). There should be no doubt that an unconditional change in zoning to higher density residential development will be a deterrent to the value of the adjacent properties on Woodgrove Drive.



Figure 1: Existing View of Green Space Buffer from 235 Woodgrove Drive

DEAN SUBMISSION IN OPPOSITION TO REZONING

The east side of the Subject Area is an environmentally friendly green space which provides shade and the only buffer for the neighboring community to noise and environmental pollutants - a microenvironment to resist climate change warming from development. It also is home to countless birds and other wildlife including the occasional deer. Loss of the Green Space Buffer Area to more housing would have a huge negative impact upon the local ecology and the value of properties on Woodgrove Drive. The Planning Commission is mandated to protect the local community by imposing efficacious conditions for rezoning (Sec. 9-20-6).

In this case those conditions should include a requirement for an adequate green-space (Sec 9-20-6-B) setback along the east side of the Subject Area. Construction of adequate fencing and sound-deadening walls (Sec 9-20-6-C) would mitigate some of the problems. Landscaping and significant buffering (Sec 9-20-6-H) is also needed. Preservation of natural vegetative growth and open spaces is required (Sec 9-20-6-M). Finally regulation of pedestrian ingress and egress is needed (Sec 9-20-6-E) since there are no fences or other barriers to ingress and egress (other than the Green Space Buffer) from the fence at 235 Woodgrove Drive all the way south to Lexington Road (upwards of ¼ mile, more or less).

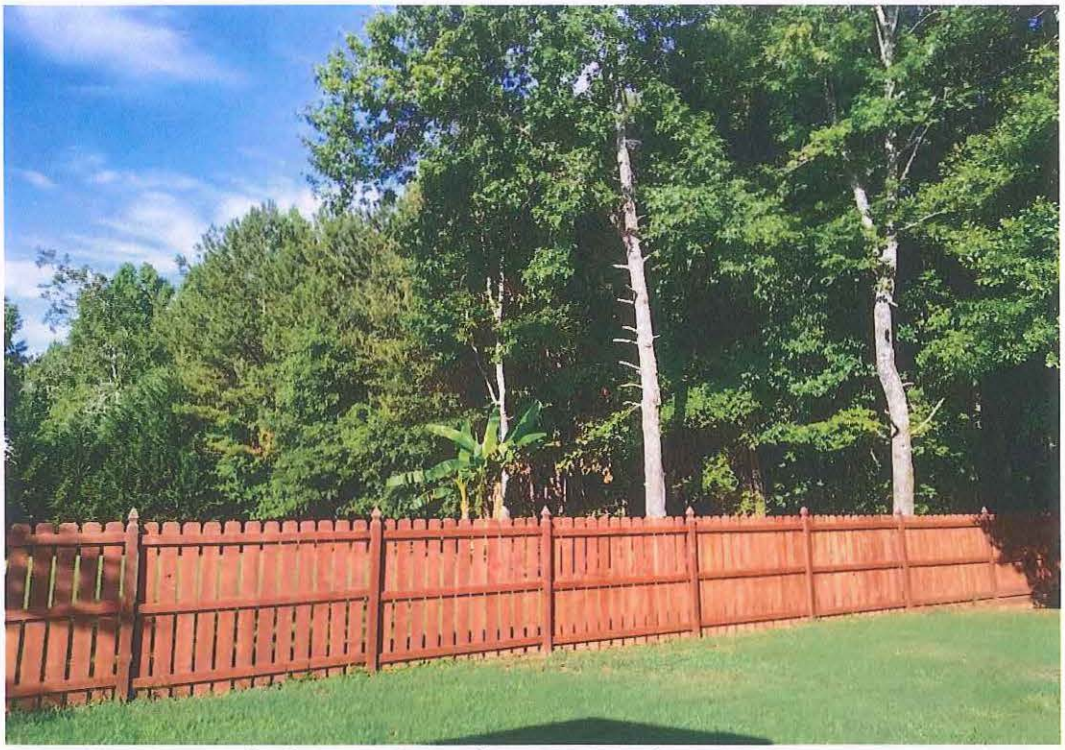


Figure 2: View looking southwest from 235 Woodgrove Drive

DEAN SUBMISSION IN OPPOSITION TO REZONING

The ACC Planning Department is expected to regulate development to balance the neighbors' interests in public health, safety, and general welfare against any right of the property owner to unrestricted use of the property (Sec 9-4-2). Your ruling may be our only hope to preserve our community and protect our environment. The City needs to balance the environmental and property value concerns of the entire community with the developer's quest for more development and urban sprawl.

Finally, please recognize that preservation of the Green Space Buffer as a condition for rezoning would not just benefit the residents of the adjoining properties along Woodgrove Drive. The residents of the new housing being built on the Subject Area and their children would also greatly benefit from the natural Green Space Buffer. A win – win outcome for responsible rezoning with long lasting and environmentally-friendly results. If the trees are removed, then there would surely be no going back. Please save our Green Space Buffer!

Respectfully Submitted,
RA Dean
235 Woodgrove Drive, Athens, GA 30605
rad@tdlfpc.com

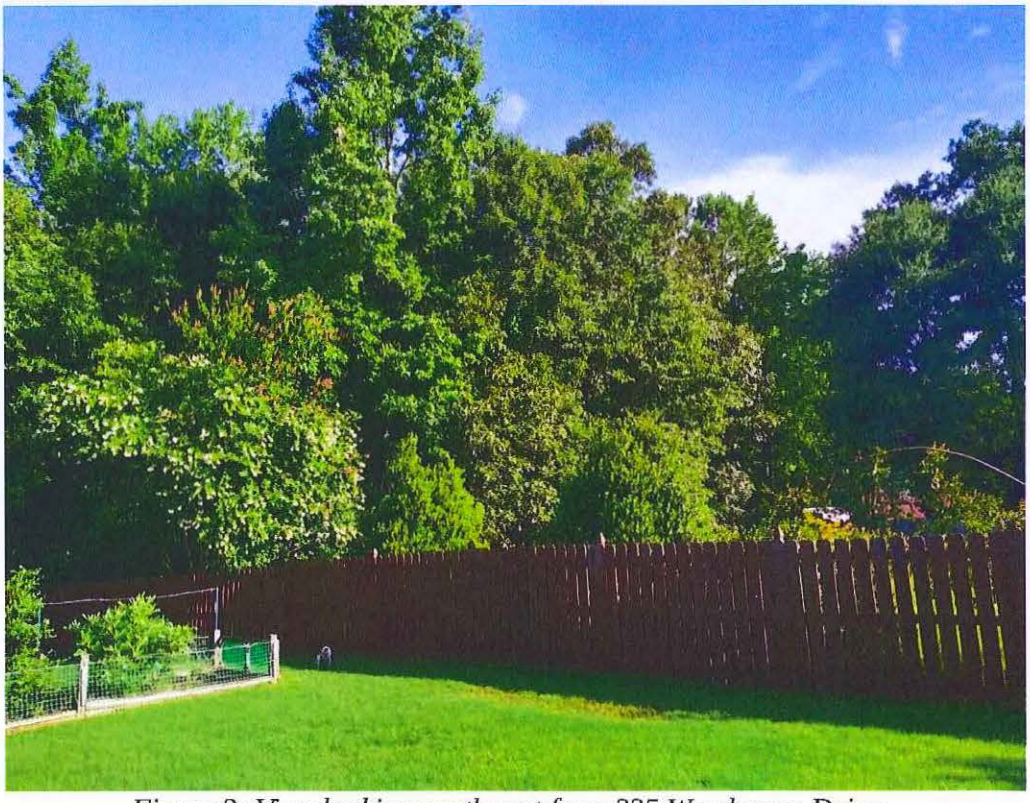


Figure 3: View looking northwest from 235 Woodgrove Drive



Figure 4: Conceptual View of new construction (Subject Area to the right)

Richard Cowick

From: Max Doty
Sent: Monday, July 25, 2022 2:34 PM
To: Richard Cowick
Subject: FW: [EXT] Rezoning at 4555 Lexington Road

From: Ella Maher <ella.d.maher@gmail.com>
Sent: Monday, July 25, 2022 2:24 PM
To: Planning <Planning@accgov.com>
Subject: [EXT] Rezoning at 4555 Lexington Road

EXTERNAL SENDER: This email originated from outside of the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Athens-Clarke County Planning Department,

I am writing to express my strong opposition to the proposed rezoning of the property at 4555 Lexington Road. While the local community may be unable to prevent development, that in itself will be detrimental to the area, nearly all residents in the East Hampton neighborhoods, Weatherly Woods, and surrounding areas are completely opposed to the addition of SD-15 housing that would double the amount of units appropriate for that land and could cause traffic and safety problems, destroy local wildlife habitat, and potentially lower the property values of all the existing communities that border this property.

I urge you to disapprove the proposed rezoning, and from recent discussions with my neighbors, I know my opinions are shared by many who have not managed to attend the meeting or write letters and e-mails.

Thank you for your continued service and support of our community.

Best regards,

Ella Maher, Athens Clarke County Resident

706.201.4850

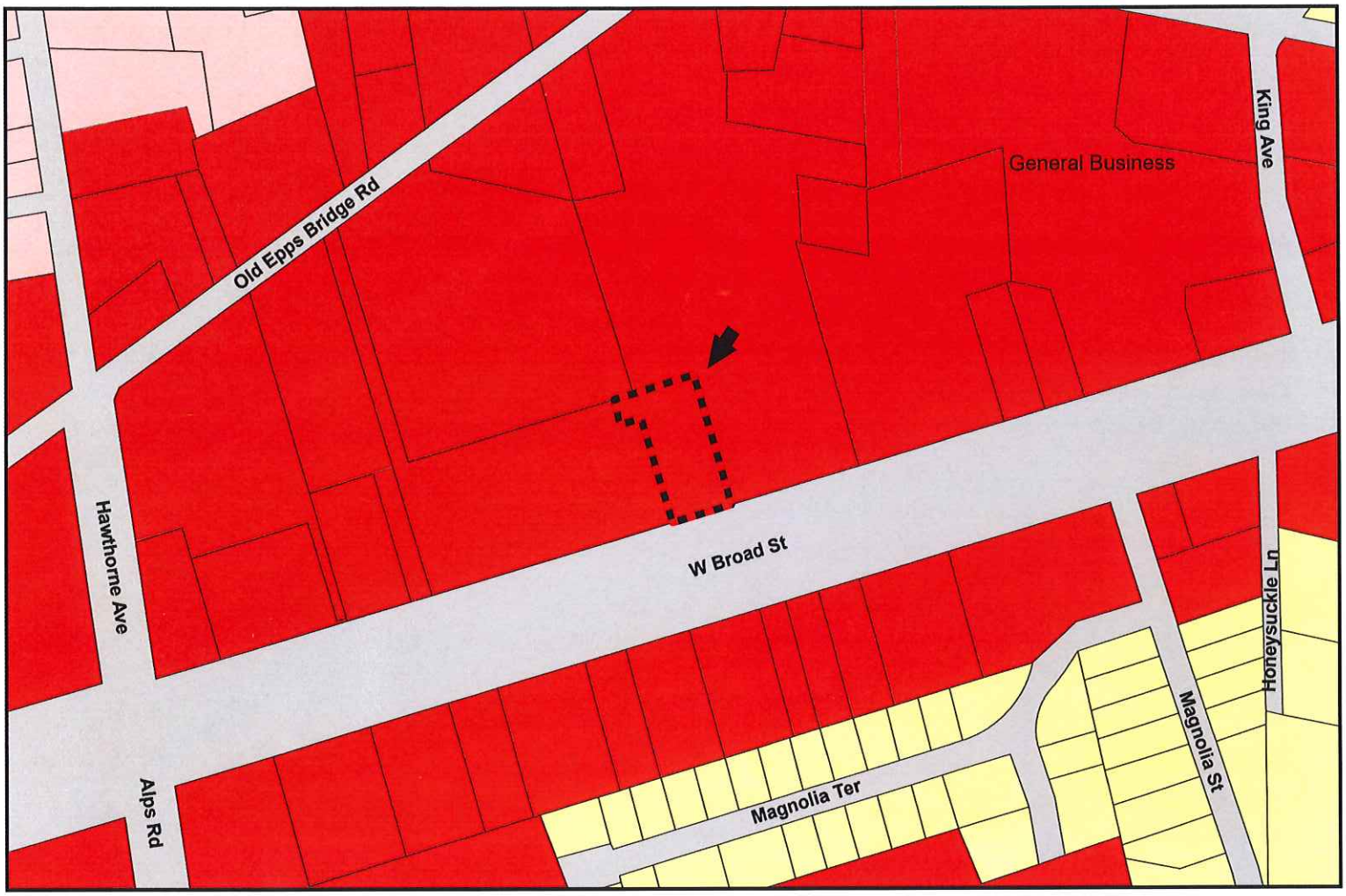
AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION ON APPROXIMATELY 0.48 ACRE OF LAND LOCATED AT 2152 WEST BROAD STREET FROM "GOVERNMENT" TO "GENERAL BUSINESS";** AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A) (2) thereof, is hereby amended by changing the future land use designation on approximately 0.48 acre of land located at 2152 West Broad Street, County tax parcel number 122C1 J017, from "Government" to "General Business," as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Land Use Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Land Use Map and Exhibit A hereto are available for inspection in said Clerk's Office, 301 College Avenue, Athens, Georgia.

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



Legend

- County Boundary
- City Boundary
- Parcel Boundary
- Building Footprint
- School
- A-CC Owned Parks and Open Space
- Other Parks and Open Space
- Transportation,Communication and Utilities
- Airport Hazard Zone
- Railroad
- Rails to Trails
- Proposed Road Widening
- Proposed New Road
- Intersection Realignment

The Official Future Land Use Map

of Athens-Clarke County, Georgia

Descriptions

- General Business
- Downtown
- Main Street Business
- Employment Center
- Government
- Mixed- Density Residential
- Traditional Neighborhood
- Single Family Residential
- Rural

EXHIBIT A	**ZONE-2022-07-1727** **REZONE**	N
MAP 527A	**2152 WEST BROAD STREET** ***Athens-Clarke County Unified Government***	
FROM: **Government**	TO: **General Business**	0 400 Feet
TAX PARCEL # *122C1 J017*	PLANNING COMMISSION MEETING DATE *August 4, 2022*	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE *September 6, 2022*

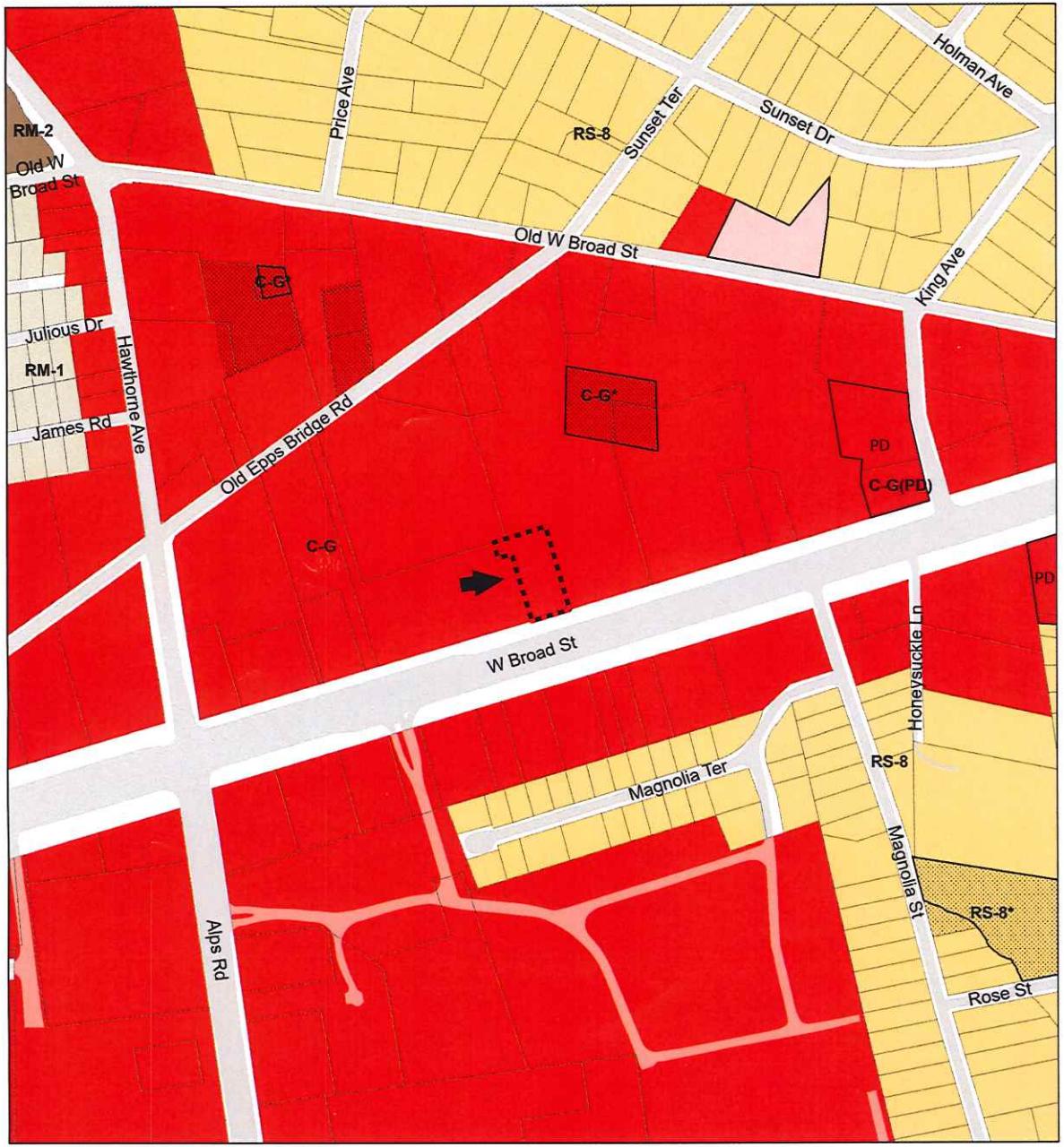
AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **REZONING ONE PARCEL OF LAND COMPRISING APPROXIMATELY 0.48 ACRE LOCATED AT 2152 WEST BROAD STREET FROM G (GOVERNMENT) TO C-G (COMMERCIAL GENERAL);** AND FOR OTHER PURPOSES.

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 one parcel of land comprising approximately 0.48 acres located at 2152 West Broad Street, Athens, Georgia from G (Government) to C-G (Commercial General) as shown on Attachment A hereto.

The parcel comprising the subject 0.48 acre tract of land is also known as parcel number 122C1 J017 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 W. Dougherty Street, Athens, Georgia. 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 Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

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



The Official Zoning Map
of Athens-Clarke County

Legend

- P, Parks
- IN, Institutional
- C-G, Commercial-General
- C-D, Commercial-Downtown
- C-N, Commercial-Neighborhood
- C-O, Commercial-Office
- C-R, Commercial-Rural
- E-I, Employment-Industrial
- E-O, Employment-Office
- G, Government
- I, Industrial
- AR, Agricultural Residential (1 unit per 10 acre density)
- RM-1, Mixed Density Residential (16 multi-family units per acre)
- RM-2, Mixed Density Residential (24 multi-family units per acre)
- RM-3, Mixed Density Residential (50 multi-family units per acre)
- RS-5, Single-Family Residential (5,000 sq. ft. min. lot area)
- RS-8, Single-Family Residential (8,000 sq. ft. min. lot area)
- RS-15, Single-Family Residential (15,000 sq. ft. min. lot area)
- RS-25, Single-Family Residential (25,000 sq. ft. min. lot area)
- RS-40, Single-Family Residential (40,000 sq. ft. min. lot area)

Parcel boundaries of the site are determined by legal description. The parcels shown on this map are to be used only as a guide.

- Downtown Design Areas
  - (DHD), Downtown Historic District
  - (WD), West Downtown
  - (ED), East Downtown
  - (DS), Dougherty Street
  - (RIV), River
  - (WE), West End
  - (ND), North Downtown
- Airport Overlay
  - AZ1, Precision Approach Zone
  - AZ2, Larger Than Utility Runway Nonprecision Approach Zone
  - AZ3, Utility Runway Nonprecision Approach Zone
  - TZ, Transitional Zone
  - RPZ, Runway Protection Zone
  - PSZ, Primary Surface Zone
- 78/316 Special District Overlay
- PD, Planned Development
- *, Zoning with Conditions
- Historic District
- RM-LTD, Mixed Density Residential Limited Overlay
- Conditional Use
- GSRC, Gaines School Road Corridor Special District Overlay
- MAC, Milledge Avenue Corridor Special District Overlay
- WBS, West Broad Street Special District Overlay
- Winterville Boundary
- Bogart Boundary
- ACC Boundary
- Railroads
- Special Use
- Historic Landmark

250 125 0 250 500 750 Feet

ATTACHMENT A	ZONE-2022-07-1727 REZONE 2152 WEST BROAD STREET Athens-Clarke County Unified Government<~~Athens-Clarke County Unified Government~~
527	
FROM: G	TO: C-G

TAX PARCEL #	PLANNING COMMISSION MEETING DATE	ATHENS-CLARKE COUNTY COMMISSION MEETING DATE
122C1 J017	August 4, 2022	September 6, 2022

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: August 4, 2022	**FILE NO: ZONE-2022-07-1727**

LOCATION: 2152 West Broad Street
APPLICANT: Athens-Clarke County Unified Government
OWNER: Athens-Clarke County Unified Government
REQUEST: From *Government* to *General Business*
DISTRICT: 3

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Mr. Hall made a motion to recommend approval. Ms. Rowland seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Present	X		
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall, Vice-Chair Present	X			Monique Sanders Absent			
Alice Kinman Absent				Joey Tucker Absent			
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	6	0	

For: None
Against: None

Discussion: None

Motion: Mr. Hall made a motion for approval of the Future Land Use change. Ms. Rowland seconded the motion, which passed unanimously.

ATHENS-CLARKE COUNTY PLANNING COMMISSION
RECOMMENDATION

DATE: AUGUST 4, 2022	FILE NO: ZONE-2022-07-1727

LOCATION: 2152 West Broad Street
APPLICANT: Athens-Clarke County Unified Government
OWNER: Athens-Clarke County Unified Government
REQUEST: From *G (Government) to C-G (Commercial-General)*
DISTRICT: 3

PLANNING COMMISSION MOTION AND RECOMMENDATION:
Ms. Rowland made a motion to recommend approval. Ms. Morales seconded.

NAME	YEA	NAY	ABSTAIN	NAME	YEA	NAY	ABSTAIN
Sara Beresford, Chair Present				Kristen Morales Present	X		
Sarah Gehring Present	X			Taylor Pass Present	X		
Catherine Goodrum Present	X			Lucy Rowland Present	X		
Matthew Hall, Vice-Chair Present	X			Monique Sanders Absent			
Alice Kinman Absent				Joey Tucker Absent			
NOTE: Chair does not vote except in case of tie.				TOTAL VOTES:	6	0	

For: None
Against: None

Discussion: None

Motion: Ms. Rowland made a motion to recommend approval of rezoning. Ms. Morales seconded the motion, which passed unanimously.

STAFF REPORT
REZONE
CASE NUMBER: ZONE-2022-07-1727
2152 WEST BROAD STREET
AUGUST 4, 2022

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT	Athens-Clarke County Unified Government
OWNER	Athens-Clarke County Unified Government
REQUESTS	From *Government* to *General Business*; From G (Government) to C-G (Commercial-General)
TYPE OF REQUEST	Type I - Rezone
LOCATION	2152 West Broad Street
COUNTY COMMISSION DISTRICT	3
SIZE OF REZONING AREA	0.48 acre
PRESENT USE	Vacant (former Cooperative Extension office)
PROPOSED USE	General Business / C-G (Commercial-General)
TAX MAP NUMBERS	122C1 J017
ADJACENT USES AND ZONING	(N) Government office; beverage distributor / C-G
	(E) Medical complex / C-G
	(S) Broad Street; strip mall / C-G
	(W) Restaurant / C-G
STAFF RECOMMENDATIONS	**Future Land Use – Approval**
	Zoning - Approval
PLANNING COMM. RECOMMENDATIONS	**Future Land Use – Approval**
	Zoning - Approval

II. PURPOSE & HISTORY

The request is for a Type I rezone from G (Government) to C-G (Commercial-General) at 2152 West Broad Street. The request requires a corresponding change in the Future Land Use designation of the subject property from *Government* to *General Business*.

Clarke County acquired the subject property in 1949. In 1973 the Cooperative Extension Office moved onto the premises. The SPLOST 2011 Program included funding for a new Cooperative Extension Office. In 2016 Athens-Clarke County acquired property at 265 Cleveland Road for a new Cooperative Extension Office. In 2018 permits were issued for the new facility and in 2019 the building reached substantial completion, enabling the program to vacate their former facility at 2152 West Broad Street. Since then, the West Broad Street location has remained vacant.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The subject parcel is 0.48 acre and is located on the northern side of West Broad Street roughly midway between Hawthorne Avenue and King Avenue. The primary building on the subject parcel, constructed in

1960, is currently vacant and in poor condition. It has a non-functioning HVAC system, patched roof, exterior wood decay, broken windows, asbestos flooring, and indications of indoor mold. Two smaller office buildings are located near the rear property line. The single driveway crosses the adjoining Longhorn Restaurant property. In 2011 Athens-Clarke County was granted a driveway and parking easement to access the subject property from Broad Street.

The surrounding properties are zoned C-G (Commercial General) and consist of a variety of uses (restaurants, medical centers, automotive repair shops, tattoo parlors, wholesale distributors, martial arts schools, et al). The subject parcel is not within a locally designated or National Register Historic District, nor contains a locally designated historic landmark.

IV. PROPOSED DEVELOPMENT

Athens-Clarke County is proposing to declare the subject parcel as surplus and to authorize the sale of the subject parcel for non-governmental use through the high bidder methodology outlined in O.C.GA. 36-37-6 for consideration by the Mayor and Commission.

The proposed C-G (Commercial-General) zoning would allow a variety of permitted uses, including a group personal care home, retail, restaurant, office, vehicle service and repair, veterinary clinic and kennel, and treatment facility. C-G zoning does not have minimum building setbacks when not adjacent to a residential zone, allows 80% lot coverage and a 65' building height.

COMPATIBILITY WITH COMPREHENSIVE PLAN

COMPATIBILITY WITH FUTURE LAND USE MAP

The 2018 Future Land Use Map designates the subject parcel fronting West Broad Street as *Government*, which is described as follows:

These areas are in use or proposed for use by federal, state or local government agencies, including the University of Georgia and Clarke County Board of Education. Many of these locations are intended to serve the community, and should encourage walkability, landscaping and neighborhood-oriented transportation alternatives.

The proposal to rezone the subject property to C-G (Commercial-General) is incompatible with the existing Future Land Use designation per the Compatibility Matrix in ACC Code Chapter 9-4. Therefore, the proposal includes a request to change the Future Land Use designation to *General Business*, which is described as follows:

These are commercial areas that serve a variety of needs for the residents of the region. It is intended for small- and large-scale retailing and service uses that are auto-oriented, such as Atlanta Highway, Lexington Road and US 29 North. Pedestrian-oriented design is particularly appropriate when these streets contain neighborhood-shopping areas or are adjacent to multifamily housing or residential neighborhoods. Pedestrian circulation in these centers is a primary concern; therefore, connectivity within and to surrounding areas should be encouraged. Internal pedestrian walkways should be provided from the public right-of-way to the principal customer entrance of all principal buildings on the site. Walkways should connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building, store entry points, and plaza space. Walkways shall feature adjoining landscaped areas that contribute to the establishment or enhancement of community and public spaces. The street level facade of

these areas should have a scale and architectural elements that relate to pedestrians. Buildings should be oriented to the street and corridors should be lined with street-trees. Small and medium scale retail stores should frame the streets with large-scale retailers located behind with focus given to pedestrian circulation rather than automobiles. Parking lots should not be located at the street front and shared parking should be encouraged.

All properties in the immediate vicinity with frontage on Atlanta Highway have the *General Business* designation.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to rezone the property at 2152 West Broad Street from G (Government) to C-G (Commercial-General). The requested zoning is appropriate for the immediate area as the subject parcel directly abuts several parcels zoned C-G.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

The subject property is currently vacant and in poor condition. No development plans accompany this proposal to change the zoning classification.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

The request is to rezone the subject property from G (Government) zoning designation to the C-G (Commercial-General) zoning designation to allow its transfer to a non-governmental use.

II. POPULATION

No development plans have been provided. The change to C-G (Commercial-General) zoning potentially allows a residential property use, such as a group personal care home or multifamily dwellings on a second floor or above at a density of 24 bedrooms per acre.

III. ENVIRONMENT

The Athens-Clarke County Environmental Areas Map does not indicate the presence of any protected environmental areas.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

The subject property has street frontage sidewalk along West Broad Street. Athens Transit serves the Broad Street corridor with the nearest bus stop approximately 300 feet west, in front of the Longhorn Restaurant.

V. GRADING AND DRAINAGE

The ACC Transportation and Public Works Department has reviewed the proposal and has no comment at this time since no development plans were provided.

VI. WATER AND SEWER AVAILABILITY

The Public Utilities Department comments that ACC water and sanitary sewer serve the subject property.

VII. FIRE PROTECTION

The Athens-Clarke County Fire Marshal has the following comment:

- *ACC Fire & Emergency Services can provide fire protection without any fire services being affected or any additional cost for equipment or personnel.*

RECOMMENDATIONS

I. STAFF RECOMMENDATIONS

Future Land Use – Approval
Zoning – Approval

In recognition of the existing commercial character of the area and the *General Business* Future Development designation surrounding the subject property, Staff recommends approval of both the proposed *General Business* Future Land Use designation and the C-G (Commercial- General) zoning designation.

II. PLANNING COMMISSION RECOMMENDATIONS

Future Land Use – Approval
Zoning – Approval

The Planning Commission considered the request at their regular meeting on August 4, 2022 and recommended approval.

III. CURRENT STATUS

The request and the Planning Commission recommendation are tentatively scheduled for presentation to the Mayor and Commission at their agenda setting on August 16, 2022. The Mayor and Commission are tentatively scheduled to take action on this request on September 6, 2022.

REPORT FOR: 2152 WEST BROAD STREET

Zoning Criteria for Type I Applications

1. The Future Development Map and its intended outcome, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.

2. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.

3. Public facility elements of the Comprehensive Plan and how the proposed change will affect the provision of the services anticipated in the plan.

4. The proposed use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the Comprehensive Plan and all its elements.

5. The existing land use pattern surrounding the property in issue.

6. The possible creation of an isolated district unrelated to adjacent and nearby districts.

7. The population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities, and streets.

8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.

9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

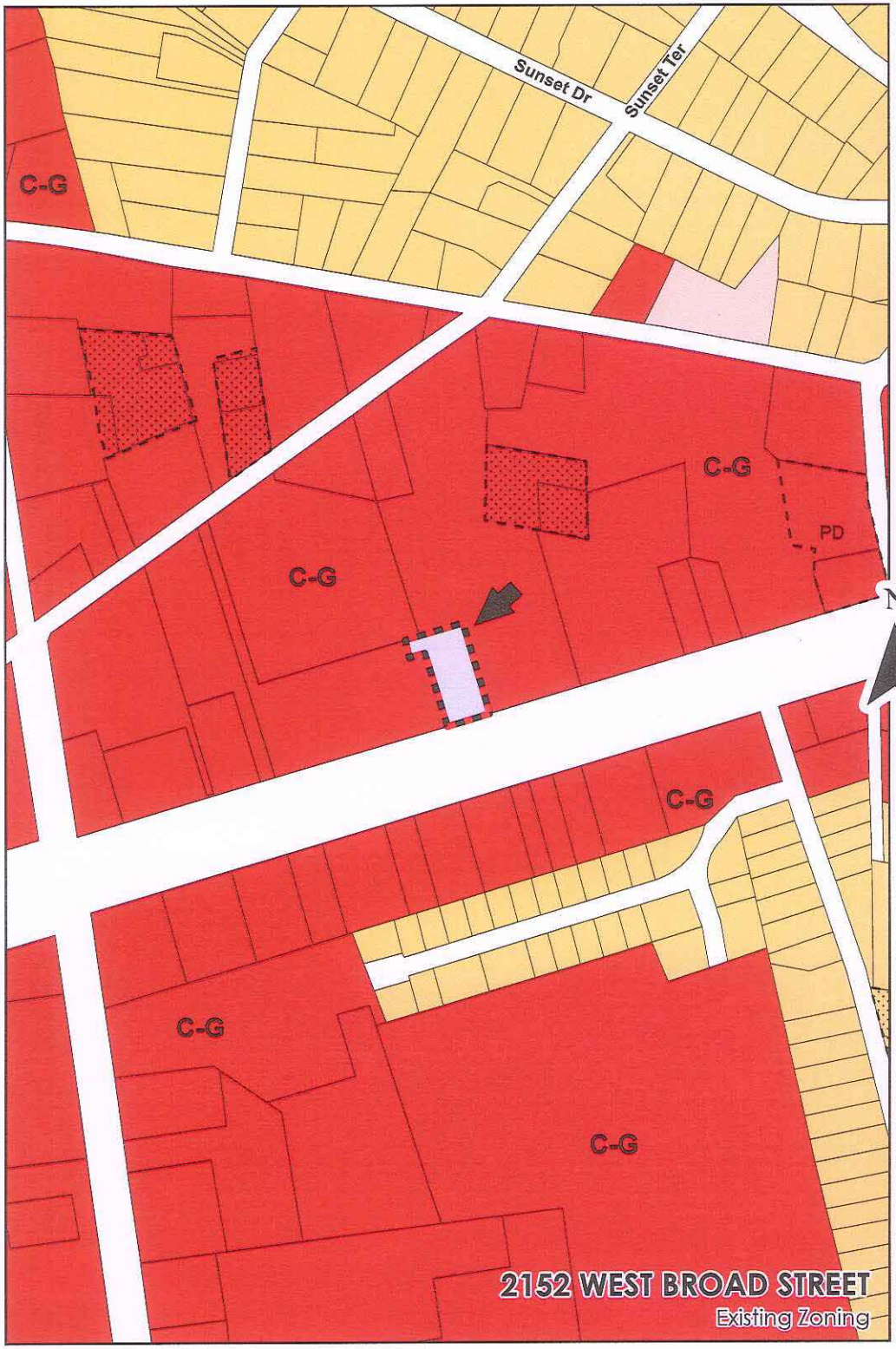
10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment.

12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area.

13. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

Public Notice: In accordance with Section 9-4-9(E), public notice of this zoning request was last posted on or near the subject property on July 15, 2022.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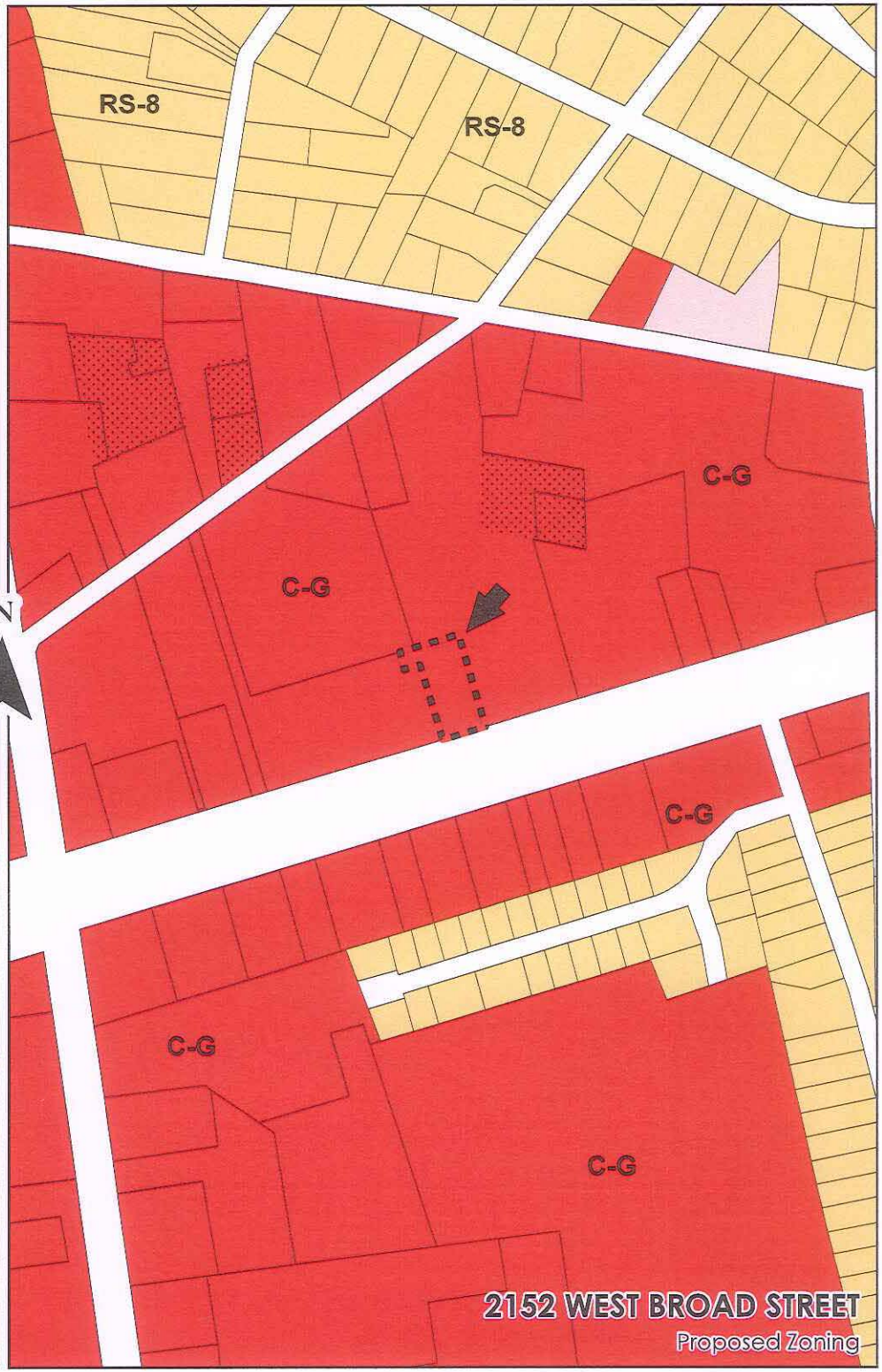
2152 WEST BROAD STREET
Existing Zoning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2152 WEST BROAD STREET
Proposed Zoning

MEMORANDUM

Date: June 24, 2022

To: Brad Griffin, Planning Director

From: Gavin Hassemer, Interim Central Services Director GJH

Re: Rezone of the Former Cooperative Extension Office (2152 W. Broad Street)

The Central Services Department, Facilities Management Division (FMD), which is charged with ensuring adequate use, location, and function of various ACCGov buildings and grounds, recently sought permission from the Mayor & Commission (M&C) to declare the former Cooperative Extension Office, located at 2152 W. Broad St, as surplus in order to market the property for sale. The M&C granted approval of this request on 4/5/22, authorizing staff to proceed with obtaining the highest viable bids.

Thus, in accordance with Sec. 9-9-1 of the Zoning and Development Standards, "if Government-zoned property is sold to a private individual or individuals, such property shall be rezoned to a classification that is compatible with the Future Development Map designations of the subject property and/or surrounding area."

This application has been submitted as a Type I Rezone per Sec. 9-4-3 of the Zoning and Development Standards. As such, and upon analysis of present conditions within the surrounding vicinity, it appears most appropriate to request a change in Future Land Use from "Government" to "General Business"; and, a change in Zoning from "Government" to "Commercial-General".

The property and structures are currently vacant and in poor condition, and no longer serve a viable government purpose. Future sale of the property will allow for reinvestment along a major corridor, while providing improved aesthetics and an additional business venture for the community. It could also transition the parcel back onto the county tax digest, further appreciating the value of the corridor.

Therefore, FMD has concluded that Cooperative Extension would be most suitable for sale if rezoned accordingly to provide compatibility with surrounding uses, but also reliability for potential buyers interested in purchasing a former government facility that is now secured in its appropriate zoning classification.

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TC

THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY
COMMISSION AGENDA ITEM

SUBJECT: Declare the Former Cooperative Extension Office as Surplus and Approve Staff to Begin Process of Receiving Bids

DATE: February 28, 2022

BUDGET INFORMATION:

REVENUES: TBD

EXPENSES:
ANNUAL:
CAPITAL:
OTHER: Up to 5% of the Sales Price for Realtor Services

FUNDING SOURCE: Property Disposition/Space Allocation Program

COMMISSION ACTION REQUESTED ON: April 5, 2022

PURPOSE:

To request that the Mayor and Commission:

a. Declare the former Cooperative Extension property, located at 2152 West Broad Street, as surplus;
b. Authorize staff to market the property for sale for non-governmental use and return the highest viable bid to Mayor and Commission for consideration; and,
c. Authorize the Mayor and staff to execute all documents necessary to obtain bids for the property.

HISTORY:

1. In July 1949, the Florence family sold a parcel of land along West Broad Street to Clarke County, via a warranty deed; this deed is recorded in Deed Book 116, Page 141 of the records maintained by the Clerk of the Clarke County Superior Court. The State of Georgia subsequently acquired surrounding property for state uses, which more recently included the outdoor farmer's market and the Georgia Department for Community Supervision.

2. In November 1973, the Cooperative Extension Office moved into a facility constructed on Clarke County property at 2152 West Broad Street.

3. On December 28, 2010, the State of Georgia filed an updated plat for their adjacent ownership with the intention of selling a portion of their property along West Broad Street for private commercial use. This survey identified:
   a. One of the buildings for the ACCGov Cooperative Extension facility was constructed

Option # 1 approved
4-5-2022

D

beyond ACCGov property onto property owned by the State of Georgia; and,

b. The driveway from West Broad Street to the Athens-Clarke County Cooperative Extension Office, and a portion of the parking for the Cooperative Extension Office, was located on property owned by the State of Georgia.

4. On November 2, 2010, Athens-Clarke County voters approved the SPLOST 2011 Program Referendum. This referendum included funding for a new Cooperative Extension Service Center (SPLOST 2011, Project #10).

5. On March 21, 2011, the State of Georgia transferred ownership to ACCGov through a quit claim deed of the 0.028 acres of land where the Cooperative Extension Office building encroached onto state property; this deed is recorded in Deed Book 3813, Page 486 of the records maintained by the Clerk of the Clarke County Superior Court.

6. On March 21, 2011, the State of Georgia also granted ACCGov a non-exclusive easement of 0.148 acres of land encompassing the access drive and a portion of the parking for the Cooperative Extension Office. This easement is recorded in Deed Book 3813, Page 492 of the records maintained by the Clerk of the Clarke County Superior Court.

7. On April 20, 2011, the State of Georgia sold adjacent property along West Broad Street for private commercial use. This property was redeveloped as a restaurant in May of 2012.

8. On June 17, 2016, ACCGov acquired property to support a new Cooperative Extension Office and Fire Station #2 along Cleveland Road. This purchase is recorded in Deed Book 4474, Page 302 of the records maintained by the Clerk of the Clarke County Superior Court.

9. On August 3, 2018, ACCGov acquired permits to construct a new Cooperative Extension facility at 265 Cleveland Road.

10. In October 2019, the new Cleveland Road facility for Cooperative Extension reached substantial completion and the program initiated a process to vacate their former facility at 2152 West Broad Street. Since this time, the West Broad Street facility has remained empty.

FACTS & ISSUES:

1. The property is currently vacant and in poor condition. Presently, it has a non-functioning HVAC system, patched roof, exterior wood decay, broken windows, asbestos flooring, and indications of indoor mold. Given the amount of capital investment required, staff does not recommend retaining the facility for ACCGov space programming needs.

2. The SPLOST 2011 User Group for the Youth and Community Enrichment Facility (SPLOST 2011, Project 22) has reviewed this site and does not recommend it be considered for use for their project purposes. Notably, the site lacks the size and access criteria the User Group is recommending for their project. To date, the ACCGov Site Selection Committee has not reviewed the site.

3. It is staff's recommendation to sell this property for future private use using the high bidder methodology outlined in O.C.G.A. 36-37-6. This approach will result in the property being advertised for a defined period, with sealed bids being due by a specified date. The Tax Assessor's Office has the land for this property valued at $240,000. Given the current condition of the building, it likely does not add value to the final sale and may detract from the final sale price.

4. To maximize financial returns to ACCGov, staff intends to hire a commercial real estate broker to represent ACCGov in these matters.

5. Under this methodology, the Mayor and Commission may only accept or reject the high bid for the property. After sealed bids are opened, staff will return to the Mayor and Commission with information on the highest bidder, at which time the Mayor and Commission can approve or deny the sale of the property. If a final sale is not approved, the Mayor and Commission can:

    a. Retain the property for future public use;
    b. Retain the property and remarket it for sale at a later date;
    c. Swap the property with other government agencies for property of an equivalent value; or,
    d. Transfer the property to one of the local Authorities for a more-defined future use.

6. The original SPLOST 2011 budget for the new Cooperative Extension facility was $2.65 million. The SPLOST project assumed the existing facility at 2152 West Broad Street would be sold and that proceeds would be used to support the development of the new facility. Functionally, this could not occur while the original facility was still occupied. The Mayor and Commission later amended the budget to increase it to $3.91 million using funds from the Jail Project. If the Mayor and Commission accept the high bid for the sale, they will have the option to rededicate them to a SPLOST 2011 project or allocate the funds back into the General Fund for other uses. The Manager will make recommendation(s) for the Mayor and Commission to consider when the bid results are returned.

7. This recommendation supports the following Mayor and Commission Strategic Commitment:

    - Accountable and Responsive Government

OPTIONS:

1. Mayor and Commission:
    a. Declare the former Cooperative Extension property, located at 2152 West Broad Street, as surplus;
    b. Authorize staff to market the property for sale for non-governmental use and return the highest viable bid to Mayor and Commission for consideration; and,
    c. Authorize the Mayor and staff to execute all documents necessary to obtain bids for the property.

2. Mayor and Commission deny approval.

3. Mayor and Commission defined option.

DEPARTMENT RECOMMENDED ACTION: Option #1 a, b, & c

DEPARTMENT: Central Services
Prepared by: Angel Helmly

Andrew Saunders, Director — February 28, 2022 Date

ADMINISTRATIVE COMMENTS:

ADMINISTRATIVE RECOMMENDATION: Option #1 a, b, & c

Manager — March 9, 2022 Date

ADOPT ATHENS PROCLAMATIONS

SEPTEMBER 6, 2022

Adopting Organization	Location
River Oaks Neighborhood Association	Riverbend Parkway median and surrounding green spaces

TO: Mayor Kelly Girtz
Commission

FROM: Blaine H. Williams BHW
ACCUG Manager

DATE: August 17, 2022

SUBJECT: Manager Acceptance of Grant Funding and Budget Amendment
- FY2020 Naloxone Grant N50-8-0004

Under the provisions of Section 10 of the FY23 Budget Ordinance (see below), I have directed the Finance Department to amend the Police Department's FY23 Budget for $7,500 For acceptance of the FY2020 Naloxone grant. The grant will allow for purchase of approximately 157 units of Naloxone. A copy of this letter will be included under the Manager's report at the next regular Mayor & Commission meeting.

> SECTION 10. The Manager is further authorized to approve the application for grants and accept grants on behalf of the government up to $50,000 and to amend the Operating or Capital Budget for the grants as needed. This authority is permitted if the grant meets all of the following conditions: (1) matching funds are appropriated or the grant does not require matching funds; (2) the government will not be required to otherwise commit resources or maintain any services after the end of the grant period; (3) no positions will be added with the grant; and (4) no vehicles will be added to the government's Fleet Replacement Program as a result of acceptance of the grant.
>
> The Manager is required to notify the Mayor and Commission of approval or acceptance of each grant at the next scheduled regular meeting under the provisions of Section 7-400 of the Charter of the Unified Government of Athens-Clarke County, Georgia. The Manager and appropriate staff are authorized to execute all required documents associated with grants accepted under this provision

Please don't hesitate to contact me if I can provide additional information or answer any questions.

cc: Josh Edwards, Assistant Manager
Niki Jones, Assistant Manager
David Boyd, Finance Director
Jean Spratlin, Clerk of Commission
Chris Caldwell, Assistant Finance Director
Tim Taylor, Budget Administrator