

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, January 2, 2024  
6:00 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Link, Taylor, Wright, Fisher, Houle, Culpepper, Myers Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Taylor, seconded by Commissioner Link, to approve minutes of meetings of Tuesday, December 5; Tuesday, December 12; and non-voting meetings of Tuesday, December 12; and Thursday, December 14, 2023. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to amend the agenda to include an executive session for discussion of real estate acquisition and/or disposal. The motion passed by unanimous vote.

Written communications

There were none.

Recognition

Mayor Girtz recognized Chris Griffin, Household Hazardous Waste Supervisor at the CHaRM, who received the Solid Waste Worker of the Year in the Recycling Profession from the Solid Waste Association of North America (SWANA) Georgia Chapter. He received this honor at the fall conference on Jekyll Island on November 13, 2023. Chris has been working for ACCGov for 25 years as of January 6, 2023. He started with the Solid Waste Department as a collector hanging off the back of the trucks and is now running the award-winning CHaRM facility.

Old business - Consent

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

Public input

The following public input was received.

1. Cowboy Keroac - filming a music video.

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

1. a) APPROVE: The Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$107,028 to be used to fund one Domestic Violence Prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2024 and for appropriate training and travel funds as per agenda report dated November 29, 2023;
- b) APPROVE: The continuation of one full-time authorized position for the Solicitor General's Office specialized domestic violence prosecution in CY24;
- c) ADOPT: The following ordinance (#24-01-01) which was presented by title only (Attachment #1) for \$107,028 for the CJCC Grant.; and
- d) AUTHORIZE: The Mayor and appropriate staff to execute all related documents.

**AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR TWO FULLTIME POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; AND FOR OTHER PURPOSES.**

January 2, 2024

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 from the Georgia Criminal Justice Coordinating Council for two fulltime positions and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

Increase:

Stop Violence Against Women Grant (CJCC)	\$107,028
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**EXPENDITURES:**

Increase:

Solicitor General Operating Expenses	\$107,028
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**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. a) APPROVE: The application to rename the Rocksprings Park and Community Center to the Christine W. Howard Park and Community Center as per agenda report dated November 20, 2023;
- b) ADOPT: The following ordinance (#24-01-02) which was presented by title only (Attachment #5) in the amount of \$26,570; and
- c) AUTHORIZE: The Manager to take the appropriate steps to implement the name change.

**AN ORDINANCE TO AMEND THE FY2024 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING TO LEISURE SERVICES FOR PURCHASE AND REPLACEMENT OF SIGNAGE FOR THE ROCKSPRINGS PARK AND COMMUNITY CENTER RENAMING; 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 to Leisure Services for purchase and replacement of signage for the Rocksprings Park and Community Center renaming.

Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

**EXPENDITURES:**

Decrease:

Other General Administration	
Operating Contingency	\$26,570

Increase:

Leisure Services	
Operating Expenditures	\$26,570

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

3. APPROVE: Exemption of wastewater connection fees of \$6,375 at 195 Marlborough Downs Road as per agenda report dated November 29, 2023 based on Athens Area Habitat for Humanity providing additional affordable housing resources of substantial benefit to the Athens-

Clarke County community; and authorize Mayor and ACCGov staff to execute all related documents.

4. APPROVE: The Unified Government of Athens-Clarke County's (ACCGov) participation in the Federal Southern Crescent Regional Commission State Economic and Infrastructure Development (SEID) Grant Program; provide the required local match as per agenda report dated November 28, 2023; and authorize appropriate staff to execute all related documents.

Election of Mayor Pro tem

A motion was made by Commissioner Myers, seconded by Commissioner Taylor, to reappoint Commissioner Thornton as Mayor Pro tem for 2024. The motion passed by unanimous vote. (See Clerk's note #1 at end of these minutes.)

Old and new business – Discussion

Public input

The following supported affordable housing.

1. Tonya Cummings
2. Lisa Walker
3. Jo Beth Allen

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to TABLE: Vendor selection and contract Award: RFP 01114 - Leisure Services Comprehensive Master Plan.

A substitute motion was made by Commissioner Myers, seconded by Commissioner Davenport, to approve the selection of Berry, Dunn, McNeil & Parker, LLC (dba BerryDunn) as the most responsive proposal for the provision of an ACCGov Leisure Services Department Comprehensive Master Plan as per agenda report dated December 4, 2023; and authorize Mayor and appropriate staff to execute the proper documentation to award the contract to BerryDunn for an amount not to exceed \$446,739 for the completion of said plan.

There was a tie roll call vote with Commissioners Davenport, Link, Taylor, Houle, and Myers voting YES and Commissioners Wright, Fisher, Culpepper, Thornton, and Hamby voting NO. (5 YES; 5 NO). Mayor Girtz broke the tie with a vote of YES.

Prior to introduction of the following item, Commissioner Culpepper recused himself from both discussion and vote.

A motion was made by Commissioner Fisher, seconded by Commissioner Wright, as follows with reference to AHC scope of work for ARPA-funded homelessness activities, and ARPA homelessness RFP concept.

FINAL 1-2-2024

Budget:

ARPA Funding Available Workforce)	\$4,960,000 (\$4,765,000 Homelessness + \$195,000
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Homeless Coalition Contract	\$1,080,000
Salvation Army Award	\$ 550,000
Emergency Shelter Plan	\$ 500,000
Three RFPs	\$2,830,000

1. Approve the Athens Homeless Coalition scope of work and budget (\$1,080,000 of ARPA Homelessness funds) as proposed in the agenda report and authorize the mayor and staff to execute all related documents.
2. Award \$550,000 of ARPA Homelessness funds to the Salvation Army Center in Athens, GA., for the purposes of facility improvements and operational costs that will increase the capacity of existing shelter beds. Authorize Mayor and staff to execute all related documents. The following are examples of how the funding could be utilized:
  - a. Kitchen appliances functional upgrade
  - b. Bunk beds - replacement
  - c. Locker - replacement
  - d. Restroom/Shower equipment upgrade
  - e. Exhaust fans replacement
  - f. Additional Security Cameras
  - g. Computer equipment for Social Services
  - h. Washers and Dryers replacement
  - i. Monitor pay increase from \$9 to \$15
  - j. Case Worker pay increase from \$17 to \$20
3. Authorize the use of \$500,000.00 of ARPA Homelessness funds to support the implementation of ACCGov's Warming Shelter plan, to include purchase of durable goods like blankets, pillows, and other necessary shelter supplies for ACCGov to deploy to our service partners and generators for ACCGov locations. The shelter equipment should be made available to local partners willing to expand current shelter capacity or offer overflow space in support of warming shelters due to extreme cold weather conditions. This equipment, including generators, may also be used in ACCGov-operated shelters in case the Governor of Georgia declares a state of emergency, and/or other large-scale impacts such as loss of power and ice.
4. Approve the release of \$2,830,000—which represents the remaining ARPA Homelessness funding after Items #1, #2, #3 of this CDO and \$195,000 of ARPA Workforce Development funds allocated via CDO on October 3, 2023, toward physical healthcare initiatives—in the following manner:
  - a. By February 15, 2024, HCD will release three (3) separate Requests for Proposals (RFPs), each focused on a specific type of activity recommended in the Strategic Plan to Reduce and Prevent Homelessness (SPRPH) accepted by this body on October 3, 2023. These include:
    - i. **RFP 1:** Increase low barrier shelter, emergency shelter and transitional housing units (SPRPH Goal 3, Key Strategy 6)
    - ii. **RFP 2:**
      1. Comprehensive street outreach (SPRPH Goal 2, Key Strategy 4)
      2. Physical healthcare access (per CDO on October 3, 2023)
      3. Housing surges for encampments (SPRPH Goal 2, Key Strategy 5)
    - iii. **RFP 3:** Homelessness Supportive Services
      1. Diversion & rapid exit activities (SPRPH Goal 3, Key Strategy 7)
      2. Landlord-focused initiatives (SPRPH Goal 4, Key Strategy 9)
      3. Establishing partnerships for employment (SPRPH Goal 5, Key Strategy 10)
  - b. All strategies in the three RFPs will be funded in an amount not to exceed the 'cap' of \$2,830,000, with a minimum award amount of \$50,000 for a period of a contract to be expended by Dec. 31, 2026, unless there is a strategy with no recommended proposal.
  - c. Each eligible (as defined in the RFP) agency will be able to submit a maximum of 3 proposals with only one proposal for each RFP category.
  - d. The Homeless Coalition Board shall participate in the review and recommendation process for all RFPs under this CDO. All participants in the RFP process shall comply with all conflict of interest policies required by this funding.
5. After documentation (e.g. financial audit, insurance coverage, etc.) as required by Department of Treasury guidelines is completed, staff shall bring to the Mayor & Commission for consideration a proposed contract with the Salvation Army of Athens, based on the unsolicited proposal received by ACCGov from the Salvation Army of Athens on August 24, 2023. Such proposed contract shall include:
  - a. a budget for use of all funds being allocated by ACCGov, with specified line items and timelines associated with each;

- b. a plan for how the operational programming funded by ARPA may be sustained by the Salvation Army of Athens after the funding allocated therein runs out; and
- c. a plan for ensuring and promoting inclusivity with regard to clients served, clarifying that **all** persons of any identity, minority status, and protected class (regardless of religious affiliation and including LGBTQ+ individuals), shall be welcomed into any programs or facilities funded in whole or in part by ACCGov and/or ARPA; and
- d. the contract shall be brought to the Mayor & Commission as soon as is feasible, with the possibility of an agenda item being considered in a Special Called Session if applicable.

A motion was made by Commissioner Myers, seconded by Commissioner Thornton, to amend by replacing the wording for 4 B and C (thus combining 4B and 4C) with the following:

"All strategies in the three RFPs will be funded in an amount not to exceed the 'cap' of \$2,830,000 with a minimum award amount of \$50,000 for a period of a contract to be expended by Dec. 31, 2026, unless there is a strategy with no recommended proposal."

The amendment was accepted by Commissioners Fisher and Wright.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Link, to approve recommendation as per agenda report with the addition of item #3 from the commission-defined option in the agenda packet.

The substitute motion failed by roll call vote with Commissioners Link, Houle, and Myers voting YES and Commissioners Davenport, Taylor, Wright, Fisher, Thornton, and Hamby voting NO. (3 YES, 6 NO)

Following discussion, a motion was made by Commissioner Fisher, seconded by Commissioner Wright, to call the question. The motion passed by unanimous vote. (See Clerk's note number 2 at end of these Minutes.

There was a roll call vote on the original motion with Commissioners Davenport, Taylor, Wright, Fisher, Thornton and Hamby voting YES and Commissioners Link, Houle, and Myers voting NO. (6 YES; 3 NO)

A motion was made by Commissioner Thornton, seconded by Commissioner Myers, to HOLD: SPLOST 2020 Project 03, Classic Center Arena – Proposed construction contract change order to JE Dunn. The motion passed by unanimous vote.

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

- a) Approve the Proposed Project Concept for the Recovered Material Processing Facility SPLOST 2020 Project 26, Sub-project #1, as generally shown in Attachment #1 of agenda revised December 20, 2023;
- b) Authorize staff to advance the SP #1 to the schematic design phase in accordance with the proposed project concept;
- c) Approve: the Athens Cultural Affairs Commission's recommendation, Attachment #2, to designate the Recovered Material Processing Facility SPLOST 2020 Project 26, SP #1, as appropriate for public art with a proposed public art budget of \$51,000; and,
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to HOLD until February 6, 2024: TSPLOST 2018 Project 16, Prince Avenue Corridor Improvements - Sub-Project #3 Load Zone – Meigs Street. The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Taylor, to approve a change order to existing unit price contract for the CY23 Pavement Maintenance Project (PMP) in the amount of \$323,301.83 to add additional streets for full depth patching as shown on Attachment #1 of agenda report dated November 21, 2023; and authorize Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Wright, to

- a) Authorize the Transportation and Public Works Department (T&PW) to submit an application, as shown in Attachment #1 of agenda report revised December 20, 2023, for the Georgia Department of Transportation Local Maintenance Improvement Grant (GDOT LMIG) in the amount of \$1,553,622;
- b) Accept the grant funds, if awarded;
- c) Adopt the following ordinance (#24-01-03) which was presented by title only;
- d) Approve the 2024 LMIG Project List, as shown in Attachment #3, which will partially comprise the Calendar Year 2024 Pavement Maintenance Program (CY24 PMP) Project; and
- e) Authorize the Mayor and appropriate staff to sign all related application documents.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2024 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) FOR A VARIETY OF ROADWAY IMPROVEMENTS; AND FOR OTHER PURPOSES.**

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Department of Transportation local maintenance improvement grant (LMIG) for a variety of roadway improvements. Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

**REVENUES:**

Increase:

Local Maintenance Improvement Grant	\$1,523,623
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**EXPENDITURES:**

Increase:

Transportation & Public Works Department:	
Capital Expenses	\$1,523,623

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

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

- a) Approve the designation of All About Asphalt, Inc. as the apparent low responsive and responsible bidder for Neighborhood Traffic Management Program FY24 Project as per agenda report revised December 18, 2023;
- b) Award a total unit price construction services contract in the amount of \$637,637.00 to All About Asphalt, Inc. as the lowest responsive bidder for the Neighborhood Traffic Management Program FY24 Project (including an extra work contingency allowance in the amount of \$100,000; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

. A motion was made by Commissioner Link, seconded by Commissioner Fisher, to amend prior approval of Superior Court's agenda item from August 1, 2023 – Judiciary Request for American Rescue Plan Act Funds through the State of Georgia Administrative Office of the Courts, as follows: Adopt the following ordinance (#24-01-04) which was presented by title only which increases the total amount awarded to the Western Judicial Circuit by \$556,623.00 for CY2024 through CY2025 and allow for any remaining funds from CY2023 to roll over (anticipate about \$1.5M unspent in CY2023). The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA ADMINISTRATIVE OFFICE OF THE COURTS (AOC) FOR THE PURPOSE OF ADDRESSING THE COURTS' BACKLOG DUE TO THE PANDEMIC; 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 Funds Operating Budget to provide funding from Georgia AOC for the purpose of addressing the courts' backlog due to the pandemic and for other purposes.

Said Operating & Capital budget is hereby amended as follows:

**Grants Fund:**

**REVENUES**

Increase:

State Grants:

Georgia AOC

up to \$556,623

**EXPENDITURES**

Increase:

Superior Court (and Others)

up to \$556,623

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

A motion was made by Commissioner Myers, seconded by Commissioner Davenport, to adopt the following ordinance (#24-01-05) which was presented by title only revising Chapter 5-5 Stormwater utility ordinance as per agenda report dated October 25, 2023. The motion passed by roll call vote with Commissioners Davenport, Link, Taylor, Wright, Fisher, Houle, Culpepper, Myers, and Hamby voting YES and Commissioner Thornton voting NO. (9 YES; 1 NO)

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

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

**SECTION 1.** Section 5-3-3 of the Code of Athens-Clarke County, Georgia, entitled "Definitions," is hereby amended by deleting the definitions of "Equivalent runoff unit (ERU)," "Medium single-family," and "Small single-family," and replacing such definitions as follows:

*Equivalent runoff unit (ERU)* means the statistical average horizontal impervious area of a single-family property between 2,001 and 4,000 square feet of impervious area within Athens-Clarke County as of the date of adoption of this article. The horizontal impervious area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks. The average square footage of horizontal impervious surface for a single-family property is determined to be 3,000 square feet.

*Medium single-family* means a single-family property with at least 2,001 square feet but less than 4,000 square feet of impervious area.

*Small single-family* means a single-family property with less than 2,000 square feet of impervious area.

Said defined terms shall be placed in Section 5-3-3 of the Code of Athens-Clarke County, Georgia, with the other defined terms in that code section and arranged alphabetically therein.

SECTION 2. Section 5-5-6 of the Code of Athens-Clarke County, Georgia, entitled “Scope of responsibility for systems and facilities,” is hereby amended by adding the phrase “latest adopted version” before the phrase “Department of Transportation and Public Works Policy and Procedure Statement PW-002,” and deleting the phrase “as adopted by the Mayor and Commission January, 1992,” in paragraph (2) of subsection (a) thereof so that said paragraph now reads as follows:

(2) On private property as provided for in the latest adopted version of the Department of Transportation and Public Works Policy and Procedure Statement PW-002; or

SECTION 3. Section 5-5-8 of the Code of Athens-Clarke County, Georgia, entitled “Service charge rates,” is hereby amended by deleting the current table in subsection (e) thereof, replacing said table, and adding the text “Beginning with the July 2024 Billing the Calculation of Charges will be as follows” before the table and adding the text “Beginning with the July 2025 billing, the calculations of charges will include an annual increase of 3.75% through July 2029. Starting with fiscal year 2030 and continuing through fiscal year 2033, the annual increases will be 2.0%,” after the table so that said subsection (e) now reads as follows:

(e) *Calculation of charges.* The monthly stormwater utility charges imposed to recover the cost of the stormwater utility program are as follows:

Beginning with the July 2024 billing, the calculation of charges will be as follows:

Base Charge	\$2.76 x ERU
Quantity Charge	\$1.15 x ERU
Quality Charge	\$0.76 x ERU x Water Quality Factor

Beginning with the July 2025 billing, the calculation of charges will include an annual increase of 3.75% through July 2029. Starting with fiscal year 2030 and continuing through fiscal year 2033, the annual increases will be 2.0%.

Section 5-5-8 of the Code of Athens-Clarke County, Georgia, is hereby further amended by deleting “2,628” from subsection (e), paragraph (1), subparagraph (b) thereof, and replacing it with “3,000,” so that said subparagraph (b) now reads as follows:

b. An ERU will represent 3,000 square feet of impervious area.

Section 5-5-8 of the Code of Athens-Clarke County, Georgia, is hereby further amended by deleting “equal to 1.0 ERU” from subsection (e), paragraph (1), subparagraph (c), division (5) thereof, and replacing it with “calculated in the same manner as Single-Family Residential” so that said division (5) now reads as follows:

5. *Duplex and triplex*—The charges shall be calculated in the same manner as Single-Family Residential.

SECTION 4. Section 5-5-10 of the Code of Athens-Clarke County, Georgia, entitled “Exemptions,” is hereby amended by adding a new paragraph (3) in subsection (d) thereof that shall read as follows:

(3) Facilities designed to meet 1 inch of infiltration through Green Infrastructure will be eligible for a credit in the amount of 20 percent of the stormwater service charge. This credit may be taken in addition to any other credit including the stormwater quality credit.

Section 5-5-10 of the Code of Athens-Clarke County, Georgia, is hereby further amended by adding renumbering the present paragraph (3) in subsection (d) to paragraph (4). Additionally, the present text of this paragraph shall be deleted in its entirety and replaced as follows:

(4) The owner of property which is used as a site for a public or private school and which agrees to teach a general environmental science curriculum that, which includes water protection measures at the primary or secondary level, property of five percent of the service charge applicable to the property. The amount of the credit against stormwater service charges which may be received may be increased up to an additional 15 percent of the service charge applicable to the property for a total of a 20 percent total educational credit. The amount of credits

given shall be as determined by the director based on the number of contact hours and the curriculum being taught and on a recommendation of the Athens-Clarke County Green School Committee. The educational credit may be taken in addition to any other credit available under this section. Prior to October 1 of each year, individual schools must enroll in the Green School Program following directions set forth by the Green School Committee. For purposes of this educational credit a public school shall be any school operated by the Athens-Clarke County School District and a private school shall be a school operated by a private entity teaching some or all of the grades K through 12 at which are taught subject[s] commonly taught in the public schools operated by the Athens-Clarke County School District.

Section 5-5-10 of the Code of Athens-Clarke County, Georgia, is hereby further amended by adding renumbering the present paragraph (4) in subsection (d) thereof to paragraph (5). The present paragraph (5) of subsection (d) thereof shall be renumbered to paragraph (6). Additionally, a new paragraph (7) shall be added to subsection (d) thereof that shall read as follows:

- (7) Watershed Stewardship credits for activities such as participation in stream clean-ups, rainscaping workshops, septic system maintenance, and other actions are eligible for credits according to policies created by the director.

Section 5-5-10 of the Code of Athens-Clarke County, Georgia, is hereby further amended by adding a new subsection (e) that shall read as follows:

- (e) *Type V exemption.* Any developed parcel for which it can be demonstrated that the post developed runoff amounts and peak flows from the developed areas of the site are not any higher than that associated with a curve number of 55 in all rain events are exempt from the stormwater service charge.

**SECTION 5.** Section 5-5-12 of the Code of Athens-Clarke County, Georgia, entitled "Service charge billing, delinquencies and collections, appeals," is hereby amended by adding the phrase "use of a collection agency and/or" to paragraph (1) of subsection (b) thereof and deleting "one" and replacing it with "two" in paragraph (2) of subsection (b) thereof so that said subsection (b) now reads as follows:

(b) *Delinquencies and collections.*

- (1) Unpaid stormwater service fees shall be collected by use of a collection agency and/or filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any from any such judgment. In no instance shall the unpaid service charge constitute a direct lien against the property.
- (2) A two percent per month late charge shall be assessed against the owner for the unpaid balance of any stormwater utility service charge that becomes delinquent.

**SECTION 6.** The Clerk of Commission, after consultation with the Athens-Clarke County Attorney, is hereby authorized to correct any scrivener's errors found herein.

**SECTION 7.** If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the final decision of any court or tribunal of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

**SECTION 8.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Hamby, seconded by Commissioner Taylor, to approve the award of a construction services contract to Smith Aquatics for an amount not to exceed of \$268,115 for Memorial Park Pool maintenance as per agenda report revised December 18, 2023; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Taylor, to approve the selection of The Segal Company as the most responsive proposal for the provision of a comprehensive Classification and Compensation Study of the ACCGov Unified Pay Plan as per agenda report revised December 20, 2023; and authorize Mayor and appropriate staff to execute the proper documentation to award the contract to The Segal Company for an amount not to exceed \$350,000.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Link, to HOLD this item until Tuesday, February 6, 2024.

The substitute motion passed by roll call vote with Commissioners Davenport, Link, Taylor, Fisher, Houle, and Myers voting YES and Commissioners Wright, Culpepper, Thornton, and Hamby voting NO, (6 YES; 4 NO)

A motion was made by Commissioner Taylor, seconded by Commissioner Houle, to approve the District Attorney's request for three contract-attorney slots through December 31, 2024 as per agenda report dated November 18, 2023 with a cap of \$30,000; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Taylor, seconded by Commissioner Wright, to adopt the ACCGov Transit Title VI Plan, as proposed in Attachment #1 of agenda report dated December 5, 2023, to maintain compliance with modifications to Federal Transportation Administration and Georgia Department of Transportation Title VI program regulations and policy.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Link, to approve proposed plan with the elimination of references to fares.

The substitute motion failed by roll call vote with Commissioners Link, Houle, and Myers voting YES and Commissioners Davenport, Taylor, Wright, Fisher, Culpepper, Thornton, and Hamby voting NO. (3 YES; 7 NO)

The original motion passed by roll call vote with Commissioners Davenport, Taylor, Wright, Fisher, Culpepper, Thornton, and Hamby voting YES; and Commissioners Link, Houle, and Myers voting NO. (7 YES; 3 NO)

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

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

A motion was made by Commissioner Taylor, seconded by Commissioner Hamby, to adopt the following resolution. The motion passed by unanimous vote.

#### **A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF DEANNA WHIDDON; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, on June 21, 2021, ACCGov employee and driver William Thorp ("Thorp") exited the parking lot of an electrical supply house on Old Hull Road and hit the vehicle being driven by Joseph Whiddon and in which his wife, Deanna Whiddon, ("Whiddon") was a passenger; and

**WHEREAS**, Whiddon filed a Complaint in the State Court of Athens-Clarke County, ST23CV0308 against Thorp and the Unified Government of Athens-Clarke County, Georgia (collectively referred to as "A-CC") for injuries sustained by Whiddon as a result of the vehicle in which Whiddon was riding being struck by the ACCGov vehicle driven by Thorpe ("Whiddon's Claims"); and

**WHEREAS**, A-CC and Whiddon desire to voluntarily resolve Whiddon's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

**WHEREAS**, without admitting liability or fault, the Commission finds it to be in the best interests of the A-CC to resolve Whiddon's Claims as set forth below;

**NOW, THEREFORE**, the Commission hereby resolves as follows:

**SECTION 1.**

The Commission does hereby approve and authorize the payment of the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00) in settlement of Whiddon's Claims.

**SECTION 2.**

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against Whiddon's Claims shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of Whiddon's Claims as described herein.

**SECTION 3.**

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

**SECTION 4.**

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

**SECTION 5.**

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

**SECTION 6.**

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

Public input on items other than those listed on this agenda

Five members of the public spoke in favor of a cease fire.

FROM MAYOR GIRTZ:

1. Proclamations will be issued for participation in the Adopt-A-Highway program.

<u>Adopting Organization</u>	<u>Location</u>
The Rowing Club at the University of Georgia, Inc.	Cedar Shoals Drive between Gaines School Crow's Nest Court
Air Force ROTC Detachment 160	Winterville Road between Lexington Road and Indian Hills Drive

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for month of November 2023.

Commissioners made general comments on cease fire.

FROM COMMISSIONER DAVENPORT:

1. Encouraged participation in the upcoming MLK Day of Service.

FROM COMMISSIONER TAYLOR:

1. Expressed appreciation to staff for helping her thru her first year.

FROM COMMISSIONER WRIGHT:

1. Expressed appreciation to Public Information Office for assistance with her newsletter.

FROM COMMISSIONER FISHER:

1. Expressed sympathy to the family of Gene and Rosalind Mays.

FROM COMMISSIONER HOULE:

1. Clerk's note #1. Commissioner Houle requested the record reflect he abstained on this vote.
2. Clerk's note #2. Commissioner Houle requested the record reflect he voted NO on this item.
3. Requested commission consider a cease fire resolution.

FROM COMMISSIONER CULPEPPER:

1. Requested follow thru on strategic plan.
2. Stated there will be a joint meeting of districts 4, 7, and 10 on January 22, 6:00 p.m., location to be announced.

FROM COMMISSIONER THORNTON:

1. Requested a work session to discuss various rules and procedures.

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

The meeting adjourned at 10:00 p.m.

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Clerk of Commission