

On Wednesday, January 6, 2021, 4:30 p.m., Probate Judge Susan Schaffer administered oaths of office for four-year terms as follows.

Newly elected District 8 Commissioner Carol Myers

Returning District 2 Commissioner Mariah Parker

Returning District 4 Commissioner Allison Wright

Returning District 6 Commissioner Jesse Houle

Returning District 10 Commissioner Mike Hamby

Due to the COVID-19 pandemic, the January 6 Mayor and Commission session was remote. The meeting could be viewed live at [www.accgov.com/videos](http://www.accgov.com/videos), on YouTube at [www.youtube.com/accgov](http://www.youtube.com/accgov), on Facebook at [www.facebook.com/accgov](http://www.facebook.com/accgov), and on ACTV Cable Channel 180 or the live ACTV stream at [www.accgov.com/actvlive](http://www.accgov.com/actvlive)

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Wednesday, January 6, 2021  
6:00 p.m.  
City Hall/Web/Ex

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

A motion was made by Commissioner Edwards, seconded by Commissioner Davenport, to approve Minutes of meetings of Tuesday, December 1, and Tuesday, December 8, 2020. The motion passed by unanimous vote.

#### Written communications

Entered into the record was notice of acceptance of the right of way for streets in Accent Lakewood Subdivision.

Cotton Creek Drive  
Mill Creek Way  
Still Creek Lane

Mayor Girtz welcomed aboard newly elected Commissioner Myers and congratulated returning Commissioners Parker, Wright, Houle, and Hamby.

Mayor Girtz recommended Commissioner Edwards serve as Mayor Pro tem for 2021. A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve said recommendation. The motion passed by unanimous vote.

A motion was made by Commissioner Parker, seconded by Commissioner Houle, to adopt the following ordinance (#21-01-01) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE ESTABLISHING THE DATE, TIME AND PLACE OF REGULAR MEETINGS OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA; AND FOR OTHER PURPOSES**

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

SECTION 1. Except for the first organization meetings as provided in § 2-104 of the Charter, the Mayor and Commission of Athens-Clarke County, Georgia shall hold its regular monthly business meeting on the first Tuesday of every month at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Commission may, from time to time, decide, subject to the provisions of O.C.G.A. § 50-14-1(g). When a regularly scheduled business meeting of the Mayor and Commission falls on a Tuesday which is: (I) January 1 or July 4 or (ii) the date for any primary, election, or run-off, the Mayor and Commission of Athens-Clarke County, Georgia shall hold its business meeting on the Wednesday immediately following such Tuesday at 6:00 p.m. in the Commission Chamber of City Hall, 301 College Avenue, Athens, Georgia, or at any other such locations as the Mayor and Commission may, from time to time, decide. The Mayor has the discretion to make a public announcement regarding the postponement of a regularly scheduled meeting based on dangerous weather conditions or other emergencies that make it necessary to postpone such regularly scheduled meeting. The rescheduling of the postponed meeting by the Mayor shall be as soon as practicable thereafter, but no later than a date within the same calendar month.

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

#### Old business – Consent

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

Continue the practices approved on February 7, 2012, authorizing the Tax Commissioner of Athens-Clarke County, per O.C.G.A. § 48-5-242, to waive interest or penalties due on unpaid taxes as outlined in Attachment #1 of agenda report dated December 4, 2020; and adopt the following resolution.

#### RESOLUTION

WHEREAS pursuant to the provisions of O.C.G.A. Section 48-5-242, concerning waiver of penalties or interest due on unpaid taxes, and in addition to any resolutions currently in effect governing the procedure for the correction of clerical errors found in the Athens-Clarke County tax records and other adjustments in taxes, penalties, and interest where justified by the circumstances, and in the interest of further efficiency and convenience to the taxpayers, it is deemed desirable that the Tax Commissioner for Athens-Clarke County be given the authority to waive penalties and interest that accrue on unpaid taxes under the specific circumstances and procedures set forth herein below;

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

The Tax Commissioner of Athens-Clarke County, Georgia has the authority to waive penalties and interest that accrue on unpaid taxes under the following circumstances:

A. The Tax Commissioner is authorized to waive, in whole or in part, the collection of any amount due the taxing authorities for which taxes are collected, when such amount represents a penalty or an amount of interest assessed for failure to comply with the laws governing the assessment and collection of ad valorem taxes, when the tax collector or tax commissioner reasonably determines that the default giving rise to the penalty or interest was due to reasonable cause and not due to gross or willful neglect or disregard of the law or of regulations or instructions issued pursuant to the law, and when the interest to be waived accrues on or after July 1, 2002.

B. the Tax Commissioner is authorized to recognize a United States Postal Service Postmark as prima-facie proof that payments of ad valorem taxes and fees are timely for the purposes of the waiver of penalties and interest when the following criteria are met:

- (1) If the date on the payment instrument (check, money order, cashier's check, etc.) is on or before the late fee assessment date and the USPS postmark is within three days of the late fee assessment date, the payment may be considered timely and any initial late fees assessed may be waived by the Tax Commissioner, or
- (2) If the date on the payment instrument (check, money order, cashier's check, etc.) is on or before any subsequent late fee assessment date and the USPS postmark is within three days of subsequent late fees being assessed, the payment may be considered timely and any subsequent late fees that accrued within this three-day period may be waived by the Tax Commissioner.
- (3) Only postal impressions from Army Post Office/Fleet Post Office (APO/FPO) and the United States Post Office are considered USPS postmarks.

- (4) Date and time stamps from other delivery services, such as FedEx, United Parcel Service (UPS), DHL, or [private delivery service are not considered USPS postmarks.

Old business – Discussion

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

- a) Approve the submission of an application by the Economic Development Department for the US EDA SPRINT Challenge Grant as per agenda report revised December 29, 2020;
- b) Accept the \$48,000 of US EDA SPRINT Challenge Grant funds, if awarded;
- c) Adopt the following ordinance (#21-01-02) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2021 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE US ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE US EDA SPRINT CHALLENGE GRANT AND FOR OTHER PURPOSES**

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the US Economic Development Administration for the US EDA SPRINT Challenge grant. Said Operating and Capital budget is hereby amended as follows:

**Hotel/Motel Fund:**

Expenditures:

Decrease:	
Economic Development Operating Expenses	(\$12,000)
Increase:	
Transfers to Grants Special Revenue Fund	\$12,000

**Grants Special Revenue Fund:**

REVENUES:

Increase:	
Transfers from Hotel/Motel Fund	\$12,000
US EDA SPRINT Challenge Grant	\$48,000
Total	\$60,000

Expenditures:

Increase:	
Economic Development Operating Expenses	\$60,000

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

A motion was made by Commissioner Parker, seconded by Commissioner Houle to:

- a) Approve the Solicitor General's application for and, if awarded, acceptance of a Prosecuting Attorneys' Council of Georgia Grant in the amount of \$62,005 to be used to continue funding for one victim notification clerk position for the assistance of crime victims for federal fiscal year 2021 (October 1, 2020 – September 30, 2021) as per revised agenda report dated December 29, 2020;
- b) Approve the continuation of one full-time grant funded position for the Solicitor General's Office for CY21;
- c) Adopt the following ordinance (#21-01-03) which was presented by title only; and

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

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE PROSECUTING ATTORNEYS' COUNCIL OF GEORGIA FOR ONE FULLTIME POSITION AND ASSOCIATED EXPENSES TO SUPPORT ASSISTANCE TO CRIME VICTIMS; 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 from the Prosecuting Attorneys' Council of Georgia for one fulltime position and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
Victims of Crime Act Grant (PAC) \$62,005

EXPENDITURES:

Increase:  
Solicitor Personal Services \$62,005

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

. A motion was made by Commissioner Link, seconded by Commissioner Wright, to approve request of Lori Bork Newcomer / Architectural Collaborative, Owner: National Development Corporation of Delta Phi Epsilon, Inc. amendment from C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) to C-O (MAC) (PD) (Commercial-Office, Milledge Avenue Corridor, Planned Development) on 0.73 acre known as 398 South Milledge Avenue; and to adopt the following ordinance (#21-01-04) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 0.73 ACRES LOCATED AT 398 SOUTH MILLEDGE AVENUE FROM C-O (MAC) (COMMERCIAL-OFFICE, MILLEDGE AVENUE CORRIDOR) TO C-O (MAC) (PD) (COMMERCIA-OFFICE, MILLEDGE AVENUE CORRIDOR, 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 a parcel of land comprising approximately 0.73 acres from C-O (MAC) (Commercial-Office, Milledge Avenue Corridor) to C-O (MAC) (PD) (Commercial-Office, Milledge Avenue Corridor, Planned Development) as shown on Attachment A hereto. Said affected parcel of land being more fully described in the drawing entitled "Project: Delta Phi Epsilon, Athens, Georgia, Sheet Title: Site Plan, Sheet Number PD1.0" said drawing being last revised October 5, 2020, prepared by Arcola and Koon's Environmental Design, Inc., 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 subject parcel is also known as parcel number 122D2 A005 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 ten sheets in total, with each sheet being numbered and titled in the lower-right hand corner and stamped "Binding 10-6-20". The respective number, title and date of each sheet is listed below:

Sheet No.	Title:	Date:
PD1.0	Site Plan	Last revised 10.05.2020
PD2.0	Tree Management Plan	Last revised 10.05.2020
A-100	Floor Plans	August 27, 2020
A-200	East Elevation	August 27, 2020
A-201	North Elevation	August 27, 2020
A-202	West Elevation	August 27, 2020
A-203	South Elevation	August 27, 2020
No Sheet Number	Terrace Section with Landscape & Neighbor Context, Rear Elevation with Landscape and Neighbor Context	April 3, 2020
No Sheet Number	South Elevation with Landscape & Context, Front Rendering, North View Rendering	April 3, 2020
No Sheet Number	Figure Ground Map of Bled Footprint along Milledge Avenue	April 3, 2020

The binding master 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 is entitled "Master Planned Development Application Report for 398 S. Milledge Avenue by the National Development Corporation of Delta Phi Epsilon, Inc.," consists of 21 pages, dated August 28, 2020, stamped "Binding 10-6-20," and is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

SECTION 3. The tree management plan (TMP) shall be revised to add two large canopy trees in the front yard, subject to approval by the Athens-Clarke County Arborist.

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

A motion was made by Commissioner Parker, seconded by Commissioner Houle, to approve request of Smith Planning Group, LLC Owner: Gladys Frances B Jordan Life Estate; Frances Elizabeth Colley, for Special Use in C-G, A (Commercial-General, Airport Overlay Zone) & RM-1, A (Mixed Density Residential, Airport Overlay Zone) on 9.42 acres known as 1825, 1885, and 1889 Lexington Road; proposed use is multifamily and commercial; and adopt proposed ordinance with the following conditions.

- 1) A minimum of twelve (12) affordable residential units will be provided, as further described in the document entitled "Administrative Oversight Agreement: Affordable Residential Dwelling Units," attached hereto as Exhibit B, and on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.
- 2) Construction shall adhere to the insulation and fenestration requirements contained in the 2015 International Energy Conservation Code (IECC 2015), not including the Georgia amendments, as outlined in Table R402.1.2, entitled "*Insulation and Fenestration Requirements by Component*," where the Wood Frame Wall R-Value in Climate Zone 3 will be 20 or 13+5.
- 3) Construction will adhere to the air leakage requirements contained in the 2015 International Energy Conservation Code (IECC 2015), not including the Georgia amendments, as outlined in section R402.1.1, entitled "*Testing*."
- 4) The insulation used in the development shall have a density equal to or greater than 2.0 lbs per cubic foot.

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

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to DENY said request. There was a tie roll call vote with Commissioners Wright, Edwards, Myers, Thornton and

Hamby voting YES; and Commissioners Davenport, Parker, Link, Denson, and Houle voting NO. (5 YES; 5 NO). Mayor Girtz broke the tie with a vote of YES.

A motion was made by Commissioner Davenport, seconded by Commissioner Link, to adopt the following resolution requesting the Georgia General Assembly to adopt local legislation to increase the hotel/motel excise tax under O.C.G.A. §48-13-51(b). The motion passed by unanimous vote.

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA REQUESTING THE GEORGIA GENERAL ASSEMBLY TO ADOPT LOCAL LEGISLATION FOR THE UNIFIED GOVERNMENT OF ATHENS- CLARKE COUNTY, GEORGIA, TO INCREASE THE HOTEL/MOTEL EXCISE TAX UNDER O.C.G.A. § 48-13-SI(b); AND FOR OTHER PURPOSES**

**WHEREAS**, the governing body of the Unified Government of Athens-Clarke County, Georgia, is the Commission of Athens-Clarke County, Georgia (the "Commission") and

**WHEREAS**, within the territorial boundaries of the Unified Government, there currently exists a seven percent (7%) Hotel/Motel tax authorized under O.C.G.A. § 48-13-51(a)(4.2); and,

**WHEREAS**, the Georgia General Assembly adopted legislation enabling local governments to increase their Hotel/Motel tax up to eight percent (8%), subject to approval of the General Assembly and subject to spending restrictions identified in O.C.G.A. § 48-13-51(a)(3) and O.C.G.A. § 48-13-51(b); and,

**WHEREAS**, the Commission desires to increase its Hotel/Motel tax from seven percent (7%) to eight percent (8%); and,

**WHEREAS**, such tax shall take effect no sooner than the first day of the second month following its action by the Commission of Athens-Clarke County, Georgia, subsequent to the enactment of the local legislative act requested hereby, pursuant to O.C.G.A. § 48-13-51(g)(l); and,

**WHEREAS**, such tax would benefit Athens-Clarke County, Georgia by providing additional revenues for the promotion of tourism, conventions, and tradeshows, and tourism product development within the territorial boundaries of the Unified Government; and,

**WHEREAS**, O.C.G.A. § 48-13-51(b) provides that local governments wishing to increase such tax must adopt a resolution which specifies the subsequent tax rate, identifies the projects or tourism product development purposes, and specifies the allocation of proceeds;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Commission hereby requests that the legislative delegation of Athens-Clarke County, Georgia sponsor and introduce a local legislative act before the Georgia General Assembly authorizing the nified Government of Athens-Clarke County, Georgia to adopt a Hotel-Motel Excise Tax of up to eight percent (8%) authorized pursuant to O.C.G.A. § 48-13-51(b); and,

**BE IT FURTHER RESOLVED THAT** the Commission intends to use the proceeds of such tax for any legal purposes, to include specifically, but not necessarily limited to, promoting tourism, conventions, and trade shows by the Athens Convention & Visitors Bureau, Inc., a qualified destination marketing organization designated by the Commission to be effective as of January 1, 2021, and as defined by O.C.G.A. § 48-13-50.2(1), for such purpose; and,

**BE IT FURTHER RESOLVED THAT** an amount equal to the amount of total taxes collected which would have been collected at a rate of five percent shall be expended in accordance with O.C.G.A. § 48-13-51(a)(3); and,

**BE IT FURTHER RESOLVED THAT** an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade shows by a private sector non-profit organization designated as the destination marketing organization for Athens-Clarke County, Georgia, as defined by O.C.G.A. § 48-13-50.2(1), and in accordance with O.C.G.A. § 48-13-51(b)(5)(A); and,

**BE IT FURTHER RESOLVED THAT** any remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended for promoting tourism, conventions, and tradeshows by the destination marketing organization shall be expended for tourism product development, as defined in O.C.G.A. §48-13-

50.2(6), and in accordance with O.C.G.A. § 48-13-51(b)(5)(B); and,

**BE IT FURTHER RESOLVED THAT** the proceeds of the Hotel-Motel Excise Tax collected at a rate of eight percent (8%) shall be allocated as set forth herein so long as there is outstanding debt incurred by or on behalf of the Classic Center Authority to finance that portion of the construction costs of the Classic Arena Project not funded by the proceeds of the of the SPLOST 2020 and specifically as follows:

- a. Unified Government of Athens-Clarke County, Georgia shall receive 16.25% or 1.3 pennies of the Hotel-Motel Excise Tax pursuant to O.C.G.A. §§ 48-13-51(b)(6), 48-13-51(a)(3).
- b. The Classic Center Authority for Clarke County, Georgia shall receive 56.25% of the Hotel-Motel Excise Tax or 4.5 pennies, of which:
  - i. 25% or 2 pennies is pursuant to O.C.G.A. §§ 48-13-51(b)(6), 48-13-51(a)(3) to be used for promoting tourism, conventions, and trade shows;
  - ii. 18.75% or 1.5 pennies is pursuant to O.C.G.A. §§ 48-13-51(b)(6), 48-13-51(a)(3); and
  - iii. 12.5% or 1 penny is pursuant to O.C.G.A. § 48-13-51(b)(5)(B) to be used for tourism product development (as that term is defined in §48-13-50.2(6)), specifically
    1. 30% of the foregoing 12.5% shall be used for tourism product development for the Classic Center Authority for Clarke County; Georgia, and
    2. 70% of the foregoing 12.5% shall be used to service debt associated with the Classic Center Arena Project.
- c. Athens Convention and Visitors Bureau, Inc. shall receive 27.50% or 2.2 pennies of the Hotel-Motel Excise Tax, of which:
  - i. 18.75% or 1.5 pennies is pursuant to O.C.G.A. § 48-13-51(b)(5)(A) to be used for promoting tourism, conventions, and trade shows;
  - ii. 6.25% or .5 penny is pursuant to O.C.G.A. § 48-13-51(b)(5)(B) to be used for tourism product development (as that term is defined in §48-13-50.2(6)); and
  - iii. 2.5% or .2 penny is pursuant to O.C.G.A. §§ 48-13-51(b)(6), 48-13-51(a)(3).

**BE IT FURTHER RESOLVED** 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 Resolution; and,

**BE IT FURTHER RESOLVED** that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto 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; and,

**BE IT FURTHER RESOLVED** the Commission grants the Mayor the authority to take any and all further actions necessary to carry out the intents and purposes of this Resolution; and,

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

**BE IT FURTHER RESOLVED** this Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to DENY resolution approving conveyance of property to Downtown Athens Development Authority to provide construction of stand-alone parking deck.

A substitute motion was made by Commissioner Denson, seconded by Commissioner Parker, to approve said resolution with addition of a condition that the Unified Government can opt out the earlier of commencement of construction or December 31, 2021.

The substitute motion failed by roll call vote with Commissioners Parker, Denson, Houle, and Edwards voting YES; and Commissioners Davenport, Link, Wright, Myers, Thornton, and Hamby voting NO. (4 YES; 6 NO)

The original motion to DENY passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Myers, Thornton, and Hamby voting YES and Commissioner Edwards voting NO. (9 YES; 1 NO)

New business – Consider under suspension of Rules

A motion was made by Commissioner Edwards, seconded by Commissioner Denson, to suspend Rules of Commission for consideration of new business items. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Parker, to:

- a) Approve the 2021 LMIG Project Report, as shown in Attachment #1 of agenda report revised December 29, 2020, which will partially comprise the Calendar Year 2021 (CY21) Pavement Maintenance Project (PMP);
- b) Authorize the Mayor and appropriate staff to apply for the \$1,289,844.03 Local Maintenance Improvement Grant (LMIG) funds that are anticipated to be available by Georgia Department of Transportation (GDOT) in accordance with the Transportation and Investment Act using the GDOT application process identified in Attachment #2; and
- c) Authorize the Mayor and appropriate staff to sign all related applications documents.

The motion passed by unanimous vote.

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

- a) Approve the transfer of \$800,000 from the Self-Funded Insurance and Claims Internal Service Fund to the Safety and Risk Program FY21 Annual Operating 607 Budget line items to allow for ongoing operational and claims cost through the 2021 fiscal year as per agenda report dated November 25, 2020;
- b) Authorize staff to work with new Broker of Record, Willis, Towers, Watson, to research the process of implementing the transfer of ACCGov's insurance coverage into the GMA/GIRMA risk pool, subject to the final approval by the Mayor and Commission of a Resolution authorizing this action.

The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Thornton, to approve recommendations from the Government Operations Committee dated November 24, 2020 with reference to stormwater management public and private agreement as follows.

1. The Government Operations Committee recommends that the Mayor and Commission: Establish a Stormwater Citizens Advisory Committee that is diverse in its membership and also has some members with technical expertise;
2. Direct the Stormwater Citizens Advisory Committee to look at the following issues:
  - a. Identifying potential Level of Service priority areas that could be addressed through the stormwater utility;
  - b. Reviewing potential stormwater credits for actions that can be taken by customers to reduce their stormwater charges;
  - c. Working with staff to develop order of magnitude costs to each of the areas and potential impacts on rate structures; and
  - d. Providing M&C with these recommendations, as well as potential additional funding sources for these services.



- e. The identification of potential Level of Service (LOS) priorities will necessarily include discussion on multiple points that will also guide future changes to the Drainage Improvement Agreements (DIA) process, including:
- Zone of Influence Policy (*Should LOS be increased so that ACCGov can maintain stream/creek segments that lie on private property but are directly downstream of a public drainage culvert or other manmade public stormwater management conveyance system?*)
  - Private stormwater system maintenance (*Should LOS be increased so that ACCGov can maintain stormwater pipe systems on private property?*)
  - Rock Program vs. DIA Program (*Should the existing DIA program be converted into a Rock Program similar to peer communities in Georgia?*)

The motion passed by unanimous vote.

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

- a) Approve a designation of Perkins & Will/Smallwood Design as the highest scoring firm for Professional Design and Construction Administration Services for SPLOST 2020 - Project 03 Classic Center Arena as per agenda report revised December 29, 2020;
- b) Authorize the Manager, staff, and Classic Center representatives to negotiate with Perkins & Will / Smallwood Design to develop a final Scope of Services and Fees for a not-to-exceed contract amount of \$4,200,000; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Link, to HOLD this item until February 2, 2021.

The substitute motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to:

- a) Approve a designation of Architectural Collaborative, LLC as the highest scoring firm for professional design and construction administration services for the Costa Building Renovation Project (SPLOST 2011 Project 32) as per agenda report dated November 24, 2020;
- b) Authorize the Manager and staff to negotiate with Architectural Collaborative, LLC to develop a final scope of services and fees for a not-to-exceed contract amount of \$345,000; 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 Edwards, to:

- a) Award a Construction Manager at Risk services contract to Astra Group, LLC for a lump sum fee of \$30,000 to provide pre-construction services (Phase I) for the TSPLOST 2018 Project 05 and SPLOST 2011 Project 09 - Oconee Rivers Greenway Project – Sub-Project #2 as per agenda report revised December 29, 2020;
- b) Authorize staff to negotiate a final Guaranteed Maximum Price (GMP) agreement for construction (Phase II) for the TSPLOST 2018 Project 05 and SPLOST 2011 Project 09 - Oconee Rivers Greenway Project – Sub-Project #2 with Astra Group, LLC not to exceed the available construction project budget of \$2,548,269 to include the general conditions and a construction services fees; 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 Denson, seconded by Commissioner Edwards, to approve Legislative Issues 2021. The motion passed by unanimous vote.

**1. Low-Income Homestead Exemption.** Local legislation to create a Homestead Exemption for homeowners with a household income at or below 150% Federal Poverty Level for a family of 3, that is an amount equal to the amount by which the current year assessed value of that homestead exceeds the base year assessed value of that homestead. This legislation has already been drafted and discussed during the 2020 session.

**2. Clarifying the 'Gratuities Clause' to allow local governments to offer direct assistance to constituents during emergencies such as pandemics.** Allowing local control over financial and resource assistance during emergencies would allow local governments flexibility in responding to emergencies. Doing this will also help alleviate the financial burden placed on the State and Federal governments.

**3. Allow local regulation of septic tanks** to allow inspections and regulations, as frequent septic tank maintenance, alongside education and communications with property owners is necessary to maintain the health of neighborhoods and nearby waterways.

**4. Address speeding in neighborhoods, allowing counties or municipalities to run radar on local streets,** and ease the current prohibition in areas with limited sightlines. Doing so would allow greater neighborhood safety.

**5. Amend the State Elections Code** to provide that if a deceased candidate receives the most votes in an election, then a special election shall be held to fill that office.

**6. Allow local governments to decide to exempt food items from the local sales tax** pennies as occurs with the exemption of food items on the 4% sales tax collected as state revenue.

A motion was made by Commissioner Parker, seconded by Commissioner Hamby, to:

- a) Approve an extension of "Fare Free" Transit services for the rest of FY21 (January 1-June 30, 2021) due to COVID-19 Pandemic impacts on the citizens of the Athens-Clarke County as per agenda report revised December 29, 2020;
- b) Approve an extension of the current reduced transit services for the rest of FY21 (January 1-June 30, 2021) due to COVID-19 Pandemic impacts; and
- c) Adopt the following ordinance (#21-01-05) which was presented by title only transferring up to \$320,000 in General Fund Operating Contingency Funds to the Transit Fund to cover the subsequent shortfall for the rest of FY21 with any further operational savings to be utilized first before drawing down contingency.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2021 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE ADDITIONAL FUNDING IN ORDER TO MAINTAIN CURRENT "FARE FREE" TRANSIT SERVICE LEVELS; 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 and Transit Enterprise Fund budgets to provide additional funding in order to maintain current "fare free" transit service levels. Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:

Other General Administration  
General Fund Contingency

up to \$320,000

Increase:  
Transfers to Transit Ent. Fund up to \$320,000

Transit Enterprise Fund:

REVENUES:

Increase:  
Transfers from General Fund up to \$320,000

Expenditures:

Increase:  
Operating Expenses up to \$320,000

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

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to:

- a) Designate Jacobs Project Management Company as the highest ranking firm to provide the professional project management services for the SPLOST 2020 Program as per agenda report revised December 28, 2020;
- b) Authorize the Manager and staff to negotiate a contract with Jacobs Project Management Company for an amount not to exceed \$7,500,000; 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 Houle, seconded by Commissioner Thornton, to adopt the following ordinance (#21-01-06) which was presented by title only. The motion passed by unanimous vote.

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

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

**WHEREAS**, on March 14, 2020 Governor Brian Kemp declared a Public Health State of Emergency in Georgia and renewed his declaration on April 8, 2020, April 30, 2020, May 28, 2020, June 29, 2020, July 31, 2020, August 31, 2020, September 30, 2020, October 30, 2020, and again on November 30, 2020 so that it will remain in effect at least through Friday, January 8, 2021; 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 and again on December 1, 2020; and

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

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

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

**WHEREAS**, it is in the best interest of Athens-Clarke County, its residents, and its businesses to temporarily suspend the enforcement of certain provisions of the Alcoholic Beverage Ordinances in order to assist local business and residents coping with the COVID-19

**IT IS HEREBY ORDERED**, That 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," attached hereto as Exhibit A, 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.

**IT IS FURTHER ORDERED**, that 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, March 31, 2021, or until it is extended, superseded, or amended by an ordinance of the Commission.

A motion was made by Commissioner Thornton, seconded by Commissioner Edwards, to adopt the following ordinance (#21-01-07) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE TWELFTH DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.**

WHEREAS, Athens-Clarke County, Georgia has experienced an event of critical significance as a result of the Coronavirus (COVID-19) disease ("COVID-19"); and

WHEREAS, the Centers for Disease Control and Prevention, (the "CDC") indicates that COVID-19 is a new and contagious respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in more than 100 locations around the world, including in the United States; 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, there is no vaccine or approved treatment for COVID-19; 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 13, 2020, President Donald Trump declared a national emergency for the United States of America in response to COVID-19; and

WHEREAS, on March 14, 2020 Governor Brian Kemp declared a Public Health State of Emergency in Georgia and renewed his declaration on April 8, 2020, April 30, 2020, May 28, 2020, June 29, 2020, July 31, 2020, August 31, 2020, September 30, 2020, October 30, 2020, November 30, 2020 and again on December 30, 2020 so that it will remain in effect at least through Sunday, February 7, 2021; 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, and again on December 1, 2020 ; and

WHEREAS, the Governor, through Executive Orders 04.30.20.01, 05.12.20.02, 05.28.20.02, 06.11.20.01, 06.29.20.02, 07.15.20.01, 08.15.20.01, 08.31.20.02, 09.30.20.02, 10.15.20.01, 10.30.20.02, 11.13.20.01, and 12.30.20.02 has recognized the need to take extra precautions to protect certain vulnerable populations who meet the criteria for higher risk of severe illness as defined by the CDC and identified in Section III of the Governor's Executive Order 10.30.20.02 ("Vulnerable Populations"); and

WHEREAS, Executive Orders 04.30.20.01, 05.12.20.02, 05.28.20.02, 06.11.20.01, 06.29.20.02, 07.15.20.01, 08.15.20.01, 08.31.20.02, 09.30.20.02, 10.15.20.01, 10.30.20.02, 11.13.20.01, and 12.30.20.02 required Vulnerable Populations to continue to shelter in place, with exceptions that include participating in essential services and working, through January 15, 2021; and

WHEREAS, the Mayor and Commission desire to protect individuals in said Vulnerable Populations and Other Populations at Risk in a reasonable manner and as recommended by the CDC and by the Georgia Department of Public Health, while such individuals are participating in essential services and working; and

WHEREAS, the CDC<sup>1</sup>, Dr. Kathleen Toomey (Georgia's Commissioner of Public Health), and Governor Kemp through Executive Order 05.12.20.02, and subsequent Executive Orders, have recommended that individuals wear facial coverings over the nose and mouth to mitigate the spread of COVID-19 when they are in public places where they cannot practice social distancing (i.e., stay at least six feet away from other individuals who do not share the same household); and

WHEREAS, the CDC states that wearing a facial covering over the nose and mouth is a recommended precaution designed to prevent symptomatic and asymptomatic individuals who have contracted COVID-19 from spreading it to other individuals; and

WHEREAS, evidence from the South Carolina Department of Health and Environmental Control announced on August 12, 2020, that parts of the State of South Carolina under public mask-wearing mandates registered a 46.3% drop in coronavirus cases in the four weeks after they were introduced as compared to areas of the state which did not impose such mandates;

WHEREAS, evidence from data from the State of Alabama shows a 11% drop in COVID-19 cases in the four weeks since the state's mandate went into effect; and

WHEREAS, according to a Vanderbilt University study, hospitals in the State of Tennessee where at least 75% of patients came from mask-mandate counties reported hospitalizations rising by only 30% since July 1, 2020, as compared to a rise of 200% in the same time period when 75% or more of patients came from counties without mask mandates in the State of Tennessee; and

WHEREAS, Dr. Toomey and Governor Kemp have modeled the behavior of wearing facial coverings as examples for Georgians to follow; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update at on Monday, January 4, 2021, Georgia now has 587,076 confirmed cases of COVID-19, including 8,780 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 9,893 individuals in Georgia have died and 42,483 have been hospitalized after contracting COVID-19; and

WHEREAS, as indicated above, the state of Georgia remains under a state of emergency as a result of the COVID-19 pandemic; and

WHEREAS, Governor Brian Kemp has relaxed and/or removed many restrictions on businesses resulting in citizens and visitors interacting in public and commercial establishments; and

WHEREAS, the guidelines promulgated by the White House on re-opening America specifically call for a 14-day downward trajectory among other gating criteria, which guidelines are specifically incorporated by reference; and

WHEREAS, the incidence of infection and death in the territorial limits of the Unified Government of Athens-Clarke County, hereinafter referred to as "Athens-Clarke County," continues to increase, signifying the continued spread of the highly contagious and deadly disease; and

WHEREAS, this continued increase is a threat to the health, safety, and welfare of the Athens-Clarke County community, especially individuals in Vulnerable Populations and Other Populations at Risk; and

WHEREAS, the number of cases is growing rapidly; and if COVID-19 continues to spread in Athens-Clarke County and the surrounding communities, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, the CDC indicates that there is evidence of widespread community transmission in Georgia; and

WHEREAS, the CDC and public health officials expect that additional cases of COVID-19 will be identified in the coming days; and

WHEREAS, the CDC advises that the use of masks or cloth facial coverings will slow the spread of COVID-19, and the CDC recommendations on PPE usage are hereby incorporated by reference; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and the safety of the residents of Athens-Clarke County, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now

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<sup>1</sup> CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), especially in areas of significant community-based transmission.

"In light of new data about how COVID-19 spreads, along with evidence of widespread COVID-19 illness in communities across the country, CDC recommends that people wear a cloth face covering to cover their nose and mouth in the community setting. This is to protect people around you if you are infected but do not have symptoms."

A cloth face covering should be worn whenever people are in a community setting, especially in situations where you may be near people. These settings include grocery stores and pharmacies. These face coverings are not a substitute for social distancing. Cloth face coverings are especially important to wear in public in areas of widespread COVID-19 illness.

Yes. Wearing cloth face coverings is an additional public health measure people should take to reduce the spread of COVID-19. CDC still recommends that you stay at least 6 feet away from other people (social distancing), frequent hand cleaning and other everyday preventive actions. A cloth face covering is not intended to protect the wearer, but it may prevent the spread of virus from the wearer to others. This would be especially important if someone is infected but does not have symptoms.

rather than suffer the unfortunate and devastating medical and economic consequences later; and

WHEREAS, pursuant to the authority of O.C.G.A. § 38-3-28(a), local governments are specifically empowered to enact rules and regulations as may be necessary for emergency management purposes; and

WHEREAS, O.C.G.A. § 38-3-28(a) also grants political subdivisions the power to supplement the Governor's Executive Orders; and

WHEREAS, this order is intended to be entered with due regard to the uniform principle that masks or facial coverings will slow the spread of COVID-19 as contemplated by O.C.G.A. § 38-3-28(c); and

WHEREAS, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28 and the local control provisions of Governor Kemp's Executive Order of October 30, 2020, and it is specifically intended to supplement such declaration, as amended, and should not be construed to be inconsistent therewith; and

WHEREAS, notwithstanding the foregoing, the Supreme Court of Georgia has noted that the Unified Government of Athens-Clarke County, Georgia, is neither a county nor a municipal government, but rather a "new political entity" formed in accordance with "the constitutionally-sanctioned consolidation of municipal and county governmental and corporate powers and functions";<sup>2</sup> and

WHEREAS, pursuant to O.C.G.A. § 38-3-51, the Governor's declared public health emergency authorizes 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, 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 health 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, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue its Declaration of a Local State of Emergency; and

WHEREAS, the following actions related to requiring facial coverings in public 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 the residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations and 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.

The Athens-Clarke County Office of Emergency Management shall continue with its activation of the Emergency Operations Plan and that the following sections of the Code of Athens-Clarke County, Georgia, shall continue to be implemented:

(a) Section 3-4-5 Additional Emergency Powers

(b) Section 3-4-9. Authority to Waive Procedures and Fee Structures

#### SECTION 2.

Any provisions of the Alcoholic Beverages Ordinance, Chapter 6-3 of the Code of Athens-Clarke County, Georgia, prohibiting an establishment licensed to sell beer or wine on premises from selling unopened bottles, cans, or growlers of beer and wine for take-out consumption off premises shall be temporarily suspended for the duration of this local declaration. It is the intent of this order that any establishment licensed to sell beer and/or wine shall be authorized to sell unopened bottles or cans and sealed growlers of such beverages for take-out consumption off premises through the duration of the declared Local Emergency, including any extension thereof. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

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<sup>2</sup> *Athens-Clarke County v. Walton Electric Membership Corporation*, 265 Ga. 229, 230 (1995).

### SECTION 3.

Any provisions of the Alcoholic Beverages Ordinance which requires that each applicant for a new alcohol license submit to the Finance Department classifiable sets of fingerprints be temporarily suspended for the duration of the COVID-19 Local Emergency where said required sets of fingerprints are already on file with the Finance Department. It is the intent of this order that applicants who already possess a current alcoholic beverage license and whose sets of fingerprints are already on file with the Finance Department shall not have to provide new classifiable sets of fingerprints for the duration of the Local Emergency. All other provisions of the Alcoholic Beverages Ordinance not in conflict with this order shall remain in full force and effect.

### SECTION 4.

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 restaurant 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 are transporting, serving, or consuming alcoholic beverages in an outdoor seating area within 100 feet of the outer wall of licensed premises or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages as described herein.

### SECTION 5.

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 6.

The April 1, 2020 deadline for payment of Occupation Tax and regulatory fees continue to be extended to and including February 15, 2021. Any provisions of Athens-Clarke County's Occupation Tax in conflict in with the extension granted herein are hereby temporarily suspended. All other provisions of the Occupation Tax Ordinance, Chapter 6-1 of the Code of Athens-Clarke County, Georgia, remain in full force and effect.

### SECTION 7.

For the protection of members of the public, including members of Vulnerable Populations and members of other Populations at Risk, facial coverings or masks shall be required within Athens-Clarke County to slow the spread of the novel coronavirus disease known as COVID-19 as follows:

(a) The provisions of this Ordinance shall only be enforced when the prevalence in Athens-Clarke County of confirmed cases of COVID-19 over the previous fourteen (14) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Georgia Department of Public Health.

(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 where other physical distancing measure may be difficult to maintain from non-cohabitating persons.

(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

(11) When outdoors and maintaining social distancing from anyone other than individuals with whom they cohabitate.

(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 6 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 6 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 6.

(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 8.

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 Monday, February 15, 2021, or until it is extended, rescinded, superseded, or amended by an ordinance of the Commission.

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 9.

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.

FROM MAYOR GIRTZ:

1. Announced the following 2021-22 standing committee membership, with chairs indicated by asterisks.

Government Operations

Patrick Davenport  
Tim Denson  
Russell Edwards  
Mike Hamby\*  
Melissa Link

Legislative Review

Jesse Houle  
Carol Myers  
Mariah Parker  
Ovita Thornton  
Allison Wright\*

Audit

Patrick Davenport  
Russell Edwards  
Melissa Link\*  
Carol Myers  
Allison Wright

2. Referred to Government Operations Committee for their February agenda: Review, discussion and recommendations of Community Policing Advisory Board



FROM MANAGER WILLIAMS:

1. Received for information was a time extension for ACCG Internship Program agreement.
2. Received for information were reports of contract awards over \$10,000 for months of April thru November 2020.  
Commissioners expressed appreciation to Board of Elections, poll workers, and public for recent elections; and encouraged citizens continue to be vigilant during the COVID pandemic.

FROM COMMISSIONER HAMBY:

- 1, Stated he looks forward to resumption of meetings at City Hall.

FROM COMMISSIONER HOULE:

1. Expressed appreciation to
  - Management and staff for recent work session on police operations
  - Clarke County School District for their participation in adoption of recent TADs.
  - Management and Finance
2. Thanked former Board of Elections members Jesse Evans and Charles Knapper for their service.
3. Encouraged citizens to become informed by reading monthly Manager's Snapshot.

FROM COMMISSIONER WRIGHT:

1. Expressed appreciation for the opportunity to serve another four years.

The meeting adjourned at 11:11 p.m,

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Clerk of Commission