

## LEGISLATIVE REVIEW COMMITTEE

Thursday, January 21, 2021

### Committee Members Present:

Commissioner Allison Wright, Chair  
Commissioner Jesse Houle  
Commissioner Carol Myers  
Commissioner Mariah Parker

### Committee Members Absent:

Commissioner Ovita Thornton

### Staff:

Blaine Williams, Manager  
Sherrie Hines, Assistant Attorney  
Austin Bryson, Attorney's Office  
Steve Decker, Transportation & Public Works  
Stephen Bailey, Transportation & Public Works  
Tim Griffeth, Transportation & Public Works

Andrew Saunders, Central Services  
Mike Wharton, Sustainability Office  
Krystle Cobran, Inclusion Office  
Sarah George, Recorder

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Commissioner Wright called the meeting to order at 1:07 p.m.

A. **Approval of Minutes:**

Commissioner Parker made a motion to approve the October 15, 2020 Minutes, and Commissioner Wright seconded. The motion passed by unanimous vote.

**Commission Identified Items of Interest:**

B. **Review of LEED Certification Program (Mayor Girtz assigned to LRC on January 8, 2019)**

Andrew Saunders summarized the history of the topic. He explained the Committee review of the LEED Certification Program began in the summer of 2018. The current policy was adopted in 2007. It broadly states that Athens-Clarke County, in cases of new construction or very significant renovation, will construct LEED-certified buildings for any facilities that are owned and operated by the government that are over 5,000 square feet. Saunders explained that, while the policy worked well to that point, the Committee began to review it after ACCGov began to observe escalating construction costs.

The Committee first began to explore costs and benefits of participating in the program. Saunders noted that, generally, the actual participation fees were quite low. Typically, fees ranged around thousands or low tens of thousands of dollars on multi-million dollar projects and were used to move the project through certification, which included review by the U.S. Green Building Council staff and engagement with our architects and engineers regarding compliance. The Committee had a consensus that the LEED certification was cost effective.

In the time since, there have been numerous iterations about what this policy could look like. Past iterations explored having an Athens-specific green building policy, but, ultimately, staff did not recommend moving in that direction, since there are multiple entities that offer that, and it would shift what would otherwise be a construction cost into a heavy operational cost. The Committee also reviewed the option to use the ASHRAE code, but the desire was not to use the ASHRAE code as the only solution because of the lack of flexibility provided with it. Saunders explained that LEED has produced high-performing buildings for ACCGov, but there has been an evolution. As is the case with all of these systems, technology has improved and building

practices have diversified, and goalposts have moved; this has called to question the pace. He shared that staff provided some analysis that showed none of the buildings ACCGov has built to date, including LEED Gold projects, would meet the minimum certification requirement today. This has been a challenge and point of adjustment for design teams. Additionally, staff has found certain certification systems fill niches better; EarthCraft Light Commercial seems to really shine on smaller commercial buildings, especially if they are existing. Green Globes is a little more prescriptive and tends to shine on large campus projects, like parks.

The policy that staff has recommended to the Committee includes:

- Minimum maintenance and construction standards that would exist for all Athens-Clarke County buildings, regardless of size; and
- Multiple paths to compliance for new construction and major renovations over 5,000 sq. ft. through LEED certification, EarthCraft certification, or Green Globes certification.

Saunders explained that the minimum maintenance and construction standards for all buildings includes requirements like LED lighting, high-efficiency irrigation, and designing the site with material reuse and recycling in mind. He also cautioned the Committee that, when it comes to building sciences and new construction, universal prescription is very difficult; he advised that universal prescriptions would have to be conservative or run the risk of having a prescriptive outcome that is infeasible in some building scenario. This is why staff continues to recommend third-party systems, as it allows the design team to consider the context and purpose of the building to determine which certification system may allow it to shine. Andrew Saunders also noted that the Committee had previously explored the possibility of private sector implementation, but staff recommends the policy apply to projects that are ACCGov funded and owned structures to avoid any unintended consequences.

Commissioner Wright agreed with the strategy of having ACCGov lead by example. Commissioner Myers requested clarification regarding older buildings under both the current policy and suggested policy. Andrew Saunders explained the existing policy is only triggered by significant construction. The new policy takes a three-tiered approach. Base maintenance standards have been included and represent things that Central Services and other operationally focused departments will continue to do or will begin doing for buildings, whether they are being renovated or not. Additionally, base construction standards would apply to all Athens-Clarke County projects, regardless of size, and he advised these standards are as prescriptive as he would recommend the Committee go. The last tier requires buildings that are over 5,000 sq. ft. meet the other standards but also certify in one of the three systems. Saunders believes the minimum construction standards will provide a good foundation for certification, but more will be required to achieve certification.

Commissioner Houle requested clarification on how this policy would apply to buildings in which ACCGov is a partner but does not entirely own them, like the Classic Center, the Library, or Bethel redevelopment. Andrew Saunders explained the current policy applies to owned and operated buildings. Because those buildings tend to be operated by authorities, that it is quasi-government; under the existing policy, the Commission itself would have to require compliance when these projects get started. The new policy, however, includes language that applies the policy to "ACC funded and owned structures". Manager Williams advised that this policy would not apply to the Bethel redevelopment, as the SPLOST funds are only designated to pay for the horizontal development, and no funds are going into the building. The Classic Center is owned by ACCGov, so he would expect the new arena would fall under the policy; similarly, the policy would also apply to the Library, since it is ACCGov funded.

Commissioner Houle inquired if electric vehicle charging stations were included in the policy. Andrew Saunders explained that this policy includes a requirement that, any time we add 14 or more new parking spaces, a conduit (below ground infrastructure from an electrical panel to the parking spaces) must be provided to 5% of them. This makes a future installation of electric vehicle charging dramatically cheaper. Andrew Saunders also advised that we have seen a requirement for solar-ready, where install interior conduit between roofs and electrical panels; however, staff recommended that it not be included. This is because he has yet to find an Athens-Clarke County building that did not have the electrical capacity needed.

Commissioner Wright inquired about whether or not this policy would apply to the SPLOST 2020 projects and further clarification would come regarding applicability on any public-private partnership projects. Commissioner Wright asked if language could be added about that overlap for partnership discussions. Manager Williams advised that staff could add some language to cover that; however, more likely than not, whenever a project comes forward like that, staff would need to call it out in the agenda item. Commissioner Wright noted that she has appreciated that agenda items include a bullet point that lists which Mayor and Commission goals that applies to the agenda item, and she believes this is worthy to include as one of those agenda item bullet points for clarity. Manager Williams explained that, at present, the agenda item lists the strategic commitment that, at a very high level, and he is unsure if this would get to the level of specificity desired. Andrew Saunders advised that, from his experience, these kinds of considerations would show up under Facts and Issues. He also noted that the policy includes regular touch points with the Commission about concept and schematic design, as well as construction approval; at schematic design, the planning team will recommend which certification process may be a good fit, and it will appear in the agenda item.

Commissioner Myers noted that while buildings were required to have roofs strong enough to hold solar, they are not required to be powered by solar within this policy. She emphasized that these are minimum standards and expressed concern that the policy as written may cause some hesitation or confusion when deciding whether or not to use funding available from the renewable energy fund to construct solar on buildings, because it is not required. Andrew Saunders explained that he does not recommend we require solar on all new buildings; however, everyone of the three recommended systems does provide credit for buildings that achieve solar or use solar in their process. The expectation has been under the old system that the project will get LEED certified with the project budget they have. Commissioner Myers asked if language could be included to note that various renewable energy sources will be analyzed in the design of the building and may be used to help meet one of the certification requirements. Manager Williams asked Andrew Saunders if this is something we would typically ask the architect or engineer to consider and asked how they go about weighing an alternatives analysis. Andrew Saunders advised he would like to give it some thought, but, at a minimum, they could reference the commitment to the 100% renewable energy and a vision statement that it is the intent of this body to use solar where it is physically and economically feasible.

Commissioner Wright asked the Committee if they felt this policy was ready to move forward to the full Mayor and Commission. Manager Williams advised, if the Committee voted to move it forward, the report would appear on the March voting cycle. Commissioner Wright noted that having it move forward in the March voting cycle would be helpful, and she recalled some topics in the past had been sent to the full Mayor and Commission for their consideration and were subsequently returned to the Committee for refinement. Commissioner Parker shared that it can be nice to hear from other commissioners on further refinement they would like to see that might not fully unfold in an Agenda Setting meeting that could then be used to inform further conversation in the Committee.

Commissioner Houle advised that they would like to see us use this policy as a model for developing incentives for the private sector in the near future. They also noted their support of moving it forward to the full Mayor and Commission to get something on the books, perhaps with a stipulation to reassign it back to the Committee in 6 to 12 months. Commissioner Wright advised that she is in favor of moving it forward to the full Mayor and Commission, but she suggests they talk about revisiting it when they talk about it with the full Mayor and Commission.

Commissioner Myers requested clarification on the process. She advised that she would like to dive into the policy more deeply and ask Andrew Saunders some additional questions, as well as get some input from 100% Athens. Commissioner Myers inquired if there would be sufficient time for her to have this follow up while moving it forward. Commissioner Wright asked Manager Williams for clarification on the timing of when the agenda will be set. Manager Williams advised the agenda meeting with the Mayor would be February 10 for the March cycle. He also noted that the process traditionally has been that the Mayor assigns a fairly specific topic to the Committee, and the Committee will then return a recommendation relevant to the charge given. The Committee can then lobby the Mayor for anything additional they would like to explore beyond that charge that he can then assign as a future topic. Commissioner Wright explained she felt comfortable moving it forward to the full Commission to get their feedback and get something in place. Commissioner Parker agreed.

Andrew Saunders asked for clarification to ensure that the policy being moved forward would include some additional language about the intent to use renewable energy and support the 100% commitment, likely added to the policy statement. Commissioner Houle agreed.

Commissioner Houle made a motion to recommend this policy and move it forward to the full Mayor and Commission. Commissioner Parker seconded. The motion passed unanimously.

C. **Discuss 2021 regular meeting time/day of the month and length of meeting**

The Committee discussed a regular meeting day and time for future meetings, and they agreed to set their regular meeting as the first Thursday of every month at 1:00 p.m. and meet for 90 minutes.

D. **Schedule/Agenda Changes**

The next LRC meeting is scheduled for February 4, 2021 at 1:00 p.m. and will be held remotely via WebEx.

Commissioner Houle made a motion to adjourn. Commissioner Myers seconded the motion, and it passed by unanimous vote. The meeting adjourned at 2:08 p.m.