

LEGISLATIVE REVIEW COMMITTEE

Thursday, February 4, 2021

Committee Members Present:

Commissioner Allison Wright, Chair
Commissioner Jesse Houle
Commissioner Carol Myers
Commissioner Mariah Parker
Commissioner Ovita Thornton- **Left meeting at 1:33 pm*

Committee Members Absent:

Staff:

Blaine Williams, Manager
Sherrie Hines, Assistant Attorney
Steve Decker, Transportation & Public Works
Stephen Bailey, Transportation & Public Works
Tim Griffeth, Transportation & Public Works

Krystle Cobran, Inclusion Office
Jeff Montgomery, Public Information Office
Sarah George, Recorder

Commissioner Wright called the meeting to order at 1:02 p.m.

A. **Approval of Minutes:**

Commissioner Myers asked to amend the January 21, 2021 minutes to add to the last paragraph of the LEED topic to reflect discussion around the topic moving forward to the larger body. She recalled Commissioner Wright had noted that previous topics had been sent back to Committee for further refinement, and Commissioner Parker had explained she thought it was nice to have the input from other commissioners to fold into the conversation about refinement in the Committee. Further, Commissioner Myers had discussed her interest in getting feedback from the 100% Athens and including that while it in this process. Myers concern is that the current minutes imply the topic had been wrapped up without any concerns and would like those discussions to be reflected in the minutes.

Commissioner Wright suggested holding off approving the minutes until those amendments could be added. The Committee agreed.

Manager Blaine Williams explained that he had discussed the LEED policy with staff after the last meeting, and the ASHRAE model code referenced within the policy was a finite year (2020). In thinking about legislation as timeless and wanting it to evolve overtime, Manager Williams asked Commissioner Wright if it would be okay to have it mirror the most current code; instead of having a static year. This would allow it to automatically update as the code evolved over time. Commissioner Wright advised that this will be included in the agenda report that comes forward in the next cycle. Commissioner Myers noted she had also spoken with Andrew Saunders about that change and how this policy would integrate with recommendations of the 100% plan, and this could all come forward later.

Sherrie Hines advised, under the Open Meetings Act, it does say that the meeting minutes have to be approved the next consecutive meeting, and while there are times when that does not happen, unless there is an extremely good reason why we cannot approve them today, the Committee needs to do so. Sarah George shared the changes made to the minutes to capture the amendments requested by Commissioner Myers.

Commissioner Myers made a motion to approve the January 21, 2021 minutes with the amendments. Commissioner Houle seconded. The motion passed unanimously.

Commission Identified Items of Interest:

B. Traffic calming/neighborhood traffic management for sub-standard streets, examine sliding-scale metrics regarding speed & frequency of vehicles vs. current requirements (Mayor Girtz assigned to LRC on January 8, 2019)

Steve Decker introduced the topic and reiterated the purpose of the Neighborhood Traffic Management Plan (NTMP). The purpose is to address neighborhood speeding, typically on roadway streets that are posting at 25 or 30 mph and particularly on roadways that do not have radar permits. Staff is proposing modifying the minimum qualifications to 300 vehicles per day and a speed of 30 mph, and they are suggesting adding the ability for the traffic engineer to use traffic engineering principles and deploy the Roadway Safety Audit Team to evaluate other factors that create unsafe conditions. Decker further explained that the two commissioner-defined options (CDOs) that are being considered, by themselves, are not specifically safety issues; however, they are certainly issues that will help trigger the Roadway Safety Audit Team to determine what other safety concerns can be noted in that area as a result of those two conditions. The following two commissioner-defined options as minimum factors to deploy the Roadway Safety Audit Team:

- Significant number of homes on the street have no driveway- 25% or more, or
- Significant number of homes on the street are set closer than 20' to the right-of-way- 30% or more.

Commissioner Thornton explained she was concerned about the North Athens Area, and a flashing caution light had been installed on Nowhere Road. She inquired as to whether or not there was work going on in that North Athens area. Steve Decker explained he was not familiar with that; however, he and Tim Griffeth would be driving the three roadways she had mentioned, including Nowhere Road); he noted they do not technically fall within this neighborhood plan, but they are still areas of concern that need to be reviewed. Decker further explained they plan to determine if they need to take some traffic volume counts and speed counts to learn more about the issue.

Commissioner Thornton inquired about whether it would be possible for them to also speak with residents that have property at that time. Decker explained he did not believe there would be sufficient time to speak with residents that same day, but he would be happy to speak with residents at another time. Commissioner Thornton also explained that, prior to COVID, she was hoping to have a community meeting, but having the policy return to the Committee for further discussion and COVID have prevented this from happening. She requested Steve Decker consider speaking with one or three residents by phone, if she provided their contact information.

Steve Decker explained they intend to collect the data and determine what kind of speeding is prevalent. In the past, with these types of roadways that have radar speed permits, once they identify speeding by time of day and day of week, staff will share that information to the Police Department to do some stand-up enforcement to address the speeding.

Commissioner Thornton advised that, now that she is aware that staff will be driving the area and the steps they plan to undertake, she will call these residents and let them know where we are in the process. Steve Decker agreed and noted he would be able to provide some data for what they plan to do in the near future.

Commissioner Wright asked for clarification on whether the area highlighted in gray, under “Minimum RSAT Deployment Factor” is that the commission-defined options or if staff had modified the commission-defined option recommendations to make it more feasible from the standpoint of execution. Steve Decker explained he took their recommendations and moved them under that section as factors to deploy the Roadway Safety Audit Team. He explained that his concern about making these minimum requirements is that they do not really address safety, which is the purpose of the NTMP; however, this will give the Roadway Safety Audit Team tools to make sure they look at these conditions.

Commissioner Wright recalled that the Committee had previously discussed that they could not list all the things that covered in an audit, so they did not want to highlight one at the risk of confusing people and making them think their audit would not be successful if they did not have one of the things listed. She inquired about how that intention captured in this recommendation and expressed concern that this might cause some confusion. Steve Decker explained that these are only minimums to trigger the Roadway Safety Audit Team. The traffic engineer will review the three conditions and evaluate impacts to safety.

Commissioner Wright inquired as to whether the 85th percentile was a set thing. She explained she believed they were trying to improve that percentile to make it where the threshold was achievable. Steve Decker explained it would still be achievable with 30 mph, but the 85th percentile is a standard traffic engineering national standard. Put more simply, this would refer to 85% of the people driving that speed.

Commissioner Wright asked for clarification on whether, by changing the vehicle per day to 300, this would increase where we can apply this. Steve Decker confirmed and noted that, even if those conditions were not met, the traffic engineer would not have the ability to use some common sense.

Commissioner Wright expressed interest in hearing from Commissioner Parker as to whether or not this captures what she and Commissioner Link intended. Commissioner Parker explained she believes this captures what she and Commissioner Link were aiming at with their CDO.

Commissioner Myers explained she did have some minor corrections to note, but she also requested clarification on section D on neighborhood meetings. The language states, “only those who object to the proposed traffic calming need to respond” to the letter sent by the traffic engineer. She inquired if this assumed that anyone who comes to the meeting is going to meeting or does not respond is a supporter, and you are only a non-supporter if you communicate otherwise. Steve Decker explained the traffic engineer would typically get a sense of support at the meeting, and they will get a number of the people who are in favor/not in favor as a starting point; the letter would be sent as a second step to make sure everyone is included. Commissioner Myers asked if residents who may not have known about the meeting but support the traffic calming measures would need to respond to be included in the calculation of the 65% support. Steve Decker explained only those who object need to respond, but those who support it may also respond. Silence is implied consent/approval. Commissioner Myers noted this could possibly be clarified on the postcard. Decker explained they have a standard postcard that does clarify that and notes 65% support is needed to move forward.

Commissioner Myer inquired about why “renters” was placed in parentheses in section D in discussion of the neighborhood meeting. She also asked for clarification if they would also need to capture attendance of renters at the meeting, in addition to the Steve Decker explained that, when this program first started, there were some conditions that could cause the homeowners to be assessed. In his experience, Decker explained the policy has always been specific to

homeowners, as renters may not stay permanently; however, he noted it could change, if desired. Stephen Bailey added that, in the past, there was a funding requirement for tax assessment and the homeowners, which renters would not typically pay, so it was set to have the people that would be paying for the improvements to be counted in the vote. Commissioner Myers pointed out that there are many long-term renters in Athens, but with the existing language, they would not be included in this. Stephen Bailey agreed and noted that in an earlier conversation this was discussed. They wanted to ensure long-term renters were included in the conversation, because they would still have the opportunity to reach out to their landlord and voice their opinion.

Commissioner Thornton inquired about whether what was being discussed would have some overlap or connection with some of the corridor conversations. Steve Decker confirmed it would.

Commissioner Houle requested clarification on what this process would look like for neighborhoods that are predominantly, if not entirely, comprised of renters. Steve Decker explained they have not encountered that up to this point, but he is open to suggestions. Even though these are rental homes, there is still a property owner; he believes we would be derelict if we did not notify the property owner about it in some manner. Commissioner Wright recalled Commissioner Parker had previously brought this up, and she believed they had included that notifications would be sent to the address, so anyone occupying the address would be informed. Commissioner Parker agreed and noted she had pushed for that in previous iterations of the draft. Commissioner Wright noted she did not see that included in the document.

Commissioner Houle suggested adding some language under "Program Minimum Requirements", under section 4C, that would make it possible for renters to be included. While they can appreciate that stakes for renters may be different than owners, they are concerned about neighborhoods that are entirely rentals. Commissioner Parker agreed and noted there is also the possibility of absentee landlords that might not be responsive to the notification, and the renters that actually live on the property may not be able to get any relief from the problems they are facing. She added that, even though apartments or houses may turn over, if a tenant is identifying an issue on the street, it would still impact whomever lives there in the future. Commissioner Myers agreed and noted that section D5 mentions sending a letter to all homeowners, but, since this is concerning safety considerations, she believes the letter also needs to go to renters as well. Commissioner Wright reiterated that she was under the impression the Committee wanted both the homeowner and the address to be notified about what is being studied, and the policy may need more work to capture that to make the communication clear.

Stephen Bailey explained that section D2 notes that the traffic engineer will send out meeting invitation postcards to all addresses along the impacted street. Commissioner Houle explained this seems to let everyone affected know that it is happening; however, they are concerned about who is empowered to make the ultimate decision. The policy requires 65% support; there may be neighborhoods that have one property owner that owns the entire street who does not support it counter to the hundreds of renters that do support it. They would like to identify a way for them as a body to consider how to address this type of extenuating circumstance, possibly giving the Commission a workaround that could be included in the policy. Commissioner Wright asked Sherrie Hines if there were any legal considerations to note. Sherrie Hines explained she would be happy to research it further, but she advised that they have to be very cautious of the property owner's rights, as their property would be the most affected. Commissioner Houle added that they believe this is set up in good faith to hear from the tenants, but they would like to ensure they are set up to value that input, if they end up in the unfortunate instance where they have a different opinion than the property owner.

Commissioner Houle agreed with Commissioner Myers that the policy needs to explicitly state how input would be counted. On the topic of tenant versus homeowner input, Steve Decker mentioned a process in which a tenant can speak on behalf of the landowner once permission has been granted. Commissioner Wright requested for a more detailed explanation of this process and also for an example of how the postcard that is sent.

Commissioner Myers suggested possibly adding an online form or printable PDF as options to initiate the procedure; she noted she ideally would like to allow all three options: online form, printable PDF, or by phone. Commissioner Wright expressed concern that creating an online form may delay them further. She also noted staff should modify the acronym "TPW" to show the full department name. Manager Williams explained that he does not believe they have any other types of requests automated, but it could be done. Stephen Bailey advised having a human presence tends to be more beneficial when dealing with this kind of project, so they can be sure they are going down the avenue of action that they intended.

Commissioner Wright explained she believes making ACCGov interactions accessible and easy is applicable in a lot of ways, but it is a bigger task. She noted she would like to move this topic forward more quickly, while they address the other part. The communication aspect can be improved by including the department phone number. Commissioner Myers agreed and noted it could say that they could apply through the TPW department or contact their district commissioner, and the rest could be worked out later. Steve Decker added that he had a step-by-step procedure and instructions that could be added to the website to help simplify the process. The Committee requested that Steve Decker share with them that simplified procedure document with them.

Commissioner Houle suggested adding a terms section to clarify what the terms used in the document mean. They also noted terms should be used consistently; in the current iteration, there are four terms used and they expressed interest in having this reduced to two or three.

Manager Williams explained that the NTMP involves improvements that require capital funding. While there is currently some funding for the NTMP, if the intent is to open this up more, it would require additional capital funding or staff will fund them on a first-come, first-served basis. Commissioner Wright noted that the Committee will continue to make sure that this is clear and understood and to emphasize that this is specific to neighborhoods as this moves forward. She further noted that the goal would be to have more areas with traffic calming in the neighborhoods, and this may have some overlap in the budget process.

Commissioners Myers asked for clarification if this policy would apply to the remaining funding from the SPLOST 2011 neighborhood traffic management program. Stephen Bailey confirmed that the funding would apply to this policy, and they currently have around \$352,000 remaining. They estimate that will probably fund 10 to 12 projects, depending on what type of infrastructure installed. Bailey also suggested that a consistent capital funding allocated to this might reduce the need to distinguish between owner-occupied versus tenant, as cost would be no longer a factor.

Sherrie Hines explained but there are very few contexts, if any, in the legal world, where consent can be assumed; typically, consent must be expressed. She will research this further, but she advised that she would suspect that, even if it is in the policy, that it would not legally amount to consent. Commissioner Houle asked if this would only be relevant if they are asking people to help fund it.

Sherrie Hines explained that generally, consent is consent; if we are going to require consent in any way, even if it is using government funds, she does not believe we presume consent if someone does not respond.

C. **Establish minimum drink price and revise alcohol-related ordinances/policies to reduce over-consumption of alcohol and improve Athens-Clarke County Government's ability to monitor and regulate alcohol handlers/establishments.**

Commissioner Wright introduced the topic and noted that the Committee had spent a lot of time discussing it prior to the pandemic. Because this is so irrelevant now, she explained she would like to move it out of committee with no action.

Commissioner Houle made a motion to pass this topic out of Committee with no action. Commissioner Myers seconded. The motion passed unanimously.

D. **Examine opportunities for local civil rights legislation, modelled on the recent Brookhaven ordinance, and utilizing the Municipal Court and ACC Attorney's Office as support for the prospective ordinance. (Mayor Girtz assigned to LRC on March 3, 2020)**

Manager Blaine Williams introduced the topic and noted that he believed the Committee had been at a point where both Krystle Cobran and Attorney Sherrie Hines had weighed in on the ramifications of the policy and discussed those further, prior to Commissioner Houle and Commissioner Myers joining the Committee.

Commissioner Wright noted that, in particular, Krystle Cobran had provided some input on ensuring accessibility and ease of access in the process. She asked if there were any updates. Commissioner Wright also mentioned that she was interested in any insights or examples from other communities on how they are receiving reports on discrimination. Krystle Cobran explained she and Sherrie Hines had a number of conversations around the possibility of assembling an educational tool kit, and, most recently, they began talking through the various complaint processes that exist within ACCGov. She believes, because there are quite a lot of them, it might be helpful to create some sort of a centralized mechanism that helps our residents walkthrough and understand the processes and routes that are available. She further explained there is a need to navigate our residents through the processes that exist, but there is a gap in communication/education. To address this, they need to communicate with the organizations that are serving as navigators for those processes.

Additionally, Krystle Cobran noted there are also external complaint mechanisms that our residents might need to know about as well. Examples of these include those complaint processes with HUD or the EEOC. She explained she is working with Sarah George Jeff Montgomery to figure out where this information can live and to start creating a more centralized hub. There is also conversation around the need to create clear messaging; for example, there is a distinction around passing an ordinance and a resident actually knowing that that ordinance exists. She also noted there is a difference between passing an ordinance and having local businesses understand the incentives sought with the establishment of that ordinance. Cobran recalled the very first thing they had discussed was accessibility and all the practical aspects of that. Furthermore, another aspect of this is making sure that that clear messaging is in the hands of people/ organizations who are already trusted in the community.

Commissioner Wright asked the Committee how they want to keep this moving forward going into the next meeting.

Commissioner Parker explained she felt like the Committee was getting close at the last meeting with the ordinance itself. She believes some of the internal operations regarding the public information efforts may take longer, but she questioned if, like in other instances, the Committee should request Mayor split this into two topics. One part of this could be advanced out of Committee, while they continue to work on figuring out the public information piece and the internal reporting mechanism. Commissioner Wright asked the Committee how they felt about her reaching out to the Mayor to see if the topic could be split. Commissioner Houle agreed that they liked the idea of breaking it up into separate parts. Further, they noted that, while their job in the Committee is to work on developing a solid ordinance, they believe any time something is passed out of Committee, they need to be prepared to receive complaints in some fashion. Commissioner Myers agreed with requesting to split up the topic.

Commissioner Wright agreed to discuss with the Mayor possibly splitting the topic into two parts – the ordinance and the educational tool kit.

E. Schedule/Agenda Changes

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

Commissioner Parker made a motion to adjourn. Commissioner Myers seconded the motion. The motion passed by unanimous vote. The meeting adjourned at 2:35 p.m.