

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, February 7, 2023
6:00 p.m.
City Hall

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

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to approve Minutes of voting meetings of Tuesday, January 3; Tuesday January 17; and non-voting meetings of Thursday, January 12; Tuesday, January 17; Friday, January 27; and Tuesday, January 31, 2023. The motion passed by unanimous vote.

Written communications

There were none.

Old business - Consent

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

Public input

There was none.

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

1. a) ADOPT: The following ordinance (#23-02-04) which was presented by title only for 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) application/award as per agenda report dated January 3, 2023;
- b) Approve submission of an application by the Clarke County Sheriff's Office for the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation. (Attachment #1);
- c) Accept the grant funds awarded (\$67,779);
- d) Authorize an increase of one fleet vehicle for the Clarke County Sheriff's Office; and
- e) Authorize the Mayor and appropriate staff to execute all documents associated with the grant award.

AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE U.S. DEPARTMENT OF JUSTICE 2022 EDWARD BYRNE MEMORIAL JUSTICE GRANT FOR THE PURCHASE OF A MENTAL HEALTH AND COMMUNITY ENGAGEMENT VAN IN THE SHERIFF'S OFFICE; 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 U. S. Department of Justice 2022 Edward Byrne Memorial Justice Grant for the purchase of a mental health and community engagement van in the Sheriff's Office.

Said Operating & Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
2022 Edward Byrne Memorial Justice Grant \$67,779

EXPENDITURES

Increase:
Sheriff's Office
Capital Expense \$67,779

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

2. APPROVE: The expanded Neighborhood Organization with associated boundaries for registration in the Neighborhood Notification Initiative: Inner East Athens Neighbors, as identified in Attachment #1 of agenda report dated December 28, 2022.
3. APPROVE: The Athens Cultural Affairs Commission (ACAC) recommended art location for public art at Tallassee Road/Whitehead Road roundabout as part of the TSPLOST 2018, Project 08 – Tallassee Road Bridge Replacement as per agenda report dated December 27, 2022; and authorize the Mayor and appropriate staff to execute all related documents.
4. a) APPROVE: The proposed Project Concept for replacement of Fire Station #5 (SPLOST 2020 Project #06) as shown in Attachment #1 of agenda report revised January 23, 2023. and authorize staff to advance the Project to the Schematic Design Phase in accordance with the approved Project Concept;
b) Authorize staff to implement site selection activities for Fire Station #5 in accordance with the Unified Government of Athens-Clarke County (ACCGov) Major Project Site Selection Process and through review with the appointed Site Selection Committee; and
c) Authorize the Mayor and appropriate staff to execute all related documents.

A public hearing was held on request of Scott Haines/W&A Engineering, Owners: Athens Construction Group Property Holdings, LLC/KDI Athens Mall, LLC/KDI Anchor, LLC/ KDI Athens Outparcels, LLC for rezoning from C-G (Commercial-General) to C-G (PD) (Commercial-General Planned Development) on 74.8 acres known as 3700, 3706, 3708, and 3710 Atlanta Highway. This will require an amendment to the Future Land Use map from Employment Center and General Business to General Business. Type I

Planning Commission recommendation:
Land Use: Approval (unanimous)
Rezoning: Approval w/conditions (unanimous)

Public input

1. Scott Haines, representing petitioner – supported approval and table will be OK

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to HOLD an amendment to the Future Land Use map until Tuesday, February 21, 2023. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to HOLD rezoning request until Tuesday, February 21, 2023. The motion passed by unanimous vote.

A public hearing was held on request of Ed Lane/Smith Planning Group Owner: Campus Investors River Mills LLC/ACC Management for rezoning from RM-2 (Mixed Density Residential) and C-G (PD) (Commercial-General, Planned Development) to C-D (Riv) (PD) (Commercial-Downtown – River Design Area, Planned Development) on 10.51 acres known as 199 Stone Mill Run and 450 Baldwin Street. This will require an amendment to the Future Land Use map from Mixed Density Residential and General Business to Downtown. Type I

Planning Commission recommendation:
Land Use: Approval (unanimous)
Rezoning: Approval w/conditions (7-2)

Public input

1. Ed Lane – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to adopt the following ordinance (23-02-05) 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 AMENDING THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY B CHANGING THE DESIGNATION OF 10.51 ACRES OF LAND LOCATED AT 199 STONE MILL RUN & 450 BALDWIN STREET FROM “MIXED DENSITY RESIDENTIAL & GENERAL BUSINESS” TO “DOWNTOWN”; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Land Use Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future land use designation on 10.51 acres of land located at 199 Stone Mill Run & 450 Baldwin Street, County tax parcel numbers 171D2 G001 and 171D2 G001A, from “Mixed Density Residential & General Business” to “Downtown”, as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

The date of this amendment to the Official Land Use Map of Athens-Clarke County as shown by Exhibit A shall be duly noted in the minutes of the Commission meeting. The Official Land Use Map and Exhibit A hereto are available for inspection in said Clerk’s Office, 301 College Avenue, Athens, Georgia.

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

A motion was made by Commissioner Wright, seconded by Commissioner Houle, to adopt the following ordinance (23-02-06) 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 REZONING TWO PARCELS OF LAND COMPRISING 10.51 ACRES OF LAND LOCATED AT 199 STONE MILL RUN & 450 BALDWIN STREET FROM RM-2 (MIXED-DENSITY RESIDENTIAL) & C-G (PD) (COMMERCIAL-GENERAL, PLANNED DEVELOPMENT) TO C-D (RIV) (PD) (COMMERCIAL-DOWNTOWN – RIVER DESIGN AREA, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of two parcels of land comprising 10.51 acres located at 199 Stone Mill Run & 450 Baldwin Street from RM-2 (Mixed-Density Residential) & C-G (PD) (Commercial-General, Planned Development) to C-D (Riv) (PD) (Commercial-Downtown – River Design Area, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in the master plan entitled “Master Planned Development Plans for Athens River Mill 199 Stone Mill Run + 450 Baldwin St”, said site plan having an initial issue date of December 2, 2022, and being last revised January 9, 2023, prepared by Smith Planning Group, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The parcels comprising the subject 10.51 acres of land are also known as parcel numbers 171D2 G001 and 171D2 G001A 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, GA 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 20 sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped “Binding 1-11-2023”. The respective title, sheet number, and date of each sheet is listed below:

Sheet Title	Sheet Number	Date
Cover Sheet	PD-0	12/02/2022
Maser PD Site Plan	PD-2	12/02/2022
Tree Management Plan	PD-3	12/02/2022
Master PD Utilities	PD-4	12/02/2022
Floor Plan-Level UI	PD-5	12/02/2022
Floor Plan-Level 1	PD-6	12/02/2022
Floor Plan-Level 2	PD-7	12/02/2022
Floor Plan-Level 3	PD-8	12/02/2022
Floor Plan-Level 4	PD-9	12/02/2022
Floor Plan-Level 5	PD-10	12/02/2022

Floor Plan-Level 6	PD-11	12/02/2022
Floor Plan-Level 7	PD-12	12/02/2022
Floor Plan-Level 8	PD-13	12/02/2022
Floor Plan-Level 9	PD-14	12/02/2022
Elevations	PD-15	12/02/2022
Elevations	PD-16	12/02/2022
Elevations	PD-17	12/02/2022
Elevations	PD-18	12/02/2022
Elevations	PD-19	12/02/2022
Building Sections	PD-20	12/02/2022

The binding written report associated with this ordinance consists of 18 pages in total, is entitled "Master Planned Development Report", dated December 2, 2022, and is stamped "Binding 1-11-2023". Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

SECTION 3. The following conditions of zoning are associated with this ordinance:

- (1) Have a public access easement created that will be owner maintained and have the overlook access/overlook area incorporate more park-like features. This area is based on page 8 of 18 of the Applicants Report showing designated public areas. Permanent structures, including the proposed overlook, shall be moved outside of all utility easements.
- (2) Increase main water loop to at least an 8-inch diameter.
- (3) Move trees out of the water/sewer easements and be more than 10 feet away from mains.
- (4) Left turn lanes shall be installed in Baldwin Street at each entrance at the developer's expense.
- (5) The developer shall remove the top floor of that portion of building 100 that is perpendicular and adjacent to Baldwin Street and compensate for the removal by adding an additional floor to the eastern section of building 200.

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

A public hearing was held on 2023 Comprehensive Plan

Planning Commission recommendation: Approval for transmittal to the State for review (unanimous)

Public input

1. Michael McLendon – need to improve process

A motion was made by Commissioner Davenport, seconded by Commissioner Myers, to approve submittal of the 2023 Comprehensive Plan to the Northeast Georgia Regional Commission and the Georgia Department of Community Affairs for review. The motion passed by unanimous vote.

Old/new business – Discussion

Citizen input

1. Melissa Link – supported Chase Boulevard, hold Boulevard/Prince
2. Teresa Friedlander, Vice Chair AiM – supported Barber Street
3. Russell Edwards – supported Barber Street
4. Lorraine O'Kelley – opposed funding for district attorney

A motion was made by Commissioner Houle, seconded by Commissioner Hamby, to HOLD until Tuesday, March 21, 2023, Community Benefits Agreement between Leaven Group and the Unified Government of Athens-Clarke County: Mall Area TAD Application. The motion passed by unanimous vote.

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

- a) Award the contract for Health Services Contract for In-Custody Residents of the Clarke County Jail to Mediko Correctional Healthcare for a term of one year, with four one year automatic renewals as per agenda report dated November 7, 2022;
- b) Approve funding of the Health Services Contract for In-Custody Residents of the Clarke County Jail, not to exceed \$5,650,231 annually or \$26,639,006 over 5 years (actual cost subject to monthly ADP);
- c) Adopt the following ordinance (#23-02-07) which was presented by title only;
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the Health Services Contract for In-Custody Residents of the Clarke County Jail.

AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE ADDITIONAL FUNDING IN THE SHERIFF'S OFFICE FOR A NEW HEALTH SERVICES CONTRACT FOR IN-CUSTODY RESIDENTS; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget for the Sheriff's Office to provide additional funding for a new health services contract for in-custody residents.

Said Operating & Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES

Decrease:

Other General Administration
Operating Contingency up to \$525,000

Increase:

Sheriff's Office/Jail
Operating Expenses
Inmate Medical up to \$525,000

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

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to TABLE for FY24 budget process: Strategically addressing the gang crisis in Athens-Clarke County as per agenda report dated December 1, 2022.

A substitute motion was made by Commissioner Myers, seconded by Commissioner Houle, to HOLD this item until Tuesday, February 21, 2023.

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

The original motion passed by roll call vote with Commissioners Davenport, Taylor, Wright, Culpepper, Thornton, and Hamby voting YES; and Commissioners Fisher, Houle, and Myers voting NO. (6 YES; 3 NO)

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to approve TSPLOST 2018, Project 11 & Project 12 - Bicycle & Pedestrian Improvement Programs, Barber Street Bike and Pedestrian Improvements, Sub-Project #7 proposed project concept as per agenda report revised January 24, 2023.

A substitute motion was made by Commissioner Wright, seconded by Commissioner Thornton, to TABLE this item.

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

New business – Consider under suspension of Rules

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

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

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF LONDON ROZIER BEST; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, London Rozier Best, (“Best”), filed a Complaint against Ethan Marsden, Enrique Rivera, John Doe, and the Unified Government of Athens-Clarke County, Georgia, (“A-CC”), for alleged violations of the First and Fourth Amendment to the United States Constitution, 42 U.S.C. Sec. 1983, battery, false arrest, and malicious prosecution (“Best’s Claims”) in the United States District Court for the Middle District of Georgia Athens Division, Case No. 3:21-cv-00132-CAR; and

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

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

NOW, THEREFORE, the Commission hereby resolves as follows:

SECTION 1.

The Commission does hereby approve and authorize the payment of the sum of Two Hundred Thirty-Seven Thousand Five Hundred and 00/100 Dollars (\$237,500.00) in settlement of Best’s Claims.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adopt an ordinance for a budget amendment allocating funding of General Fund Contingency up to \$50,000 to conduct a third-party, custom, market survey study of ACCGov attorney positions in response to staffing challenges in the District Attorney’s Office; and authorize the Mayor and appropriate staff to execute all related documents.

A substitute motion was made by Commissioner Myers, seconded by Commissioner Houle, to HOLD this item until Tuesday, February 21, 2023.

The substitute motion failed by roll call vote with Commissioners Houle and Myers voting YES; and Commissioners Davenport, Taylor, Wright, Fisher, Culpepper, Thornton, and Hamby voting NO. (2 YES; 7 NO)

The original motion passed by unanimous vote. The following ordinance (#23-02-08) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2023 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE ADDITIONAL FUNDING IN THE HUMAN RESOURCES DEPARTMENT TO CONDUCT A THIRD-PARTY, CUSTOM, MARKET SURVEY STUDY OF ACCGOV ATTORNEY POSITIONS IN RESPONSE TO STAFFING CHALLENGES IN THE DISTRICT ATTORNEY'S OFFICE; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget for the Human Resources Department to conduct a third-party, custom, market survey study of ACCGov attorney positions in response to staffing challenges in the District Attorney's Office.

Said Operating & Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES

Decrease:

Other General Administration
Operating Contingency up to \$50,000

Increase:

Human Resources
Operating Expenses
Fees Professional Services up to \$50,000

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

Public input on items other than those listed on this agenda

There was none.

FROM MAYOR GIRTZ:

1. Referred to Government Operations Committee: Update Community Benefits Agreement portion of Leasing Policy
2. Referred to Government Operations Committee: Creation of Public Safety Monitor function within the Office of Operational Analysis or other appropriate ACC units
3. Announced a proclamation will be issued to Xi Kappa recognizing participation in the Adopt Athens Program.

FROM MANAGER WILLIAMS:

1. Announced Assistant Manager Josh Edwards received a Top 100 Influencers in Local Government award from Engaging Local Government Leaders (ELGL) and was recognized as the number 2 top influencer. This national award recognizes local government officials for their commitment to improving local government and their influence in their community.
2. Received for information was acceptance of an ACCG Civic Affairs Foundation Grant in the amount of \$2,107.60.
3. Received for information were reports of contract awards in excess of \$10,000 for months of November and December 2022.

Commissioners Myers, Culpepper, and Houle stated meeting was conducted in accordance with guidelines developed at recent retreat.

FROM COMMISSIONER MYERS:

1. Thanked TPW staff for securing a grant to enable expansion of Vision Zero and AIM activities.

FROM COMMISSIONER HOULE:

1. Requested PSCOB review body cam footage reference use of force.
2. Encouraged citizen participation in ATS survey, and RFPs for eviction and summer youth programs.
3. Announced Stonehenge neighborhood clean up February 26, 4:00 p.m.
4. Announced district meeting February 27, 6:00 p.m. at Cooperative Extension.

FROM COMMISSIONER DAVENPORT:

1. Stated he looks forward to working with Dr. Remy Epps who will be new inclusion officer.
2. Thanked Hollis Terry, Mike Wharton, and staff for recent tour of Cedar Creek WRF.
3. Thanked Xi Kappa for participation in Adopt Athens Program.

FROM COMMISSIONER HAMBY:

1. Requested an update on neighborhood traffic management program.

FROM COMMISSIONER THORNTON:

1. Stated staff accomplishments should be shared with community.
2. Requested consideration of letter from Bennie Coleman.
3. Announced she has been elected by National League of Cities as vice-chair of the Municipal and Community Council.

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to adjourn. The motion passed by unanimous vote.

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

The meeting adjourned at 8:00 p.m.

Clerk of Commission