

Due to the COVID-19 pandemic, the May 4 Mayor and Commission session was remote. The meeting could be viewed live at www.accgov.com/videos, on YouTube at www.youtube.com/accgov, on Facebook at www.facebook.com/accgov, and on ACTV Cable Channel 180 or the live ACTV stream at www.accgov.com/actvlive

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, May 4, 2021
6:10 p.m.
City Hall

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.

Approval of Minutes of meetings of Tuesday, April 6; Thursday, April 15; Tuesday, April 20; and Monday, April 26

Commissioner Houle stated the following corrections are needed.

Please note the following corrections to the minutes documents of past meetings. The links below are to the current versions of minutes and/or video recordings as posted online in our [publicly available Agenda Center Portal](#) or our YouTube channel. Pdf's of the latest version of the relevant minutes documents are also attached.

As noted in the motion for approval of minutes at both the April 6th and March 2nd meetings, please correct the minutes of:

- [February 9, 2021](#) to remove Commissioner Herod's name from the roll call.
- [February 16, 2021](#) to correct the motion for approval of the Axon contract. [In my remarks on 4/6, I mixed up my dates, citing Feb. 2nd instead of Feb. 16th.]
 - The motion was made by Commissioner Myers, seconded by Commissioner Wright.
 - Currently the minutes erroneously note the motion as made by Commissioner Wright, seconded by Commissioner Parker.

As noted in the motion for approval of minutes at the April 6th meeting, please correct the minutes of:

- [March 16, 2021](#) to correct the motion to enter into executive session.
 - The motion was made by Commissioner Wright, seconded by Commissioner Edwards.
 - Currently the minutes erroneously note the motion as made by Commissioner Denson, seconded by Commissioner Houle.

April Meeting Minutes - Please correct the following:

- [April 6, 2021 - Voting Meeting - Approval of Minutes](#)
 - The motion to approve the minutes, noting the above-mentioned corrections, appears to be missing from this document.
 - The motion was made by Commissioner Houle, seconded by Commissioner Edwards. It passed unanimously.
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- [April 6, 2021 - Voting Meeting - Item 02](#)
 - The motion to approve the rezone was seconded by Commissioner Myers.
 - Currently the minutes erroneously note the motion as seconded by Commissioner Link.
 - Note: this is for the *second* of two votes on Item #2. The first vote, on future land use, was seconded by Commissioner Link.
- [April 6, 2021 - Voting Meeting - Items 03, 04, 05](#)
 - Commissioner Link was absent for the votes of zoning items 3, 4 and 5, but returned before the vote on item 6 (CDBG action plan).
 - Commissioner Link notified the Mayor and Commissioners group text, which is why this wouldn't have been clear due to the limitations of WebEx.
- [April 20, 2021](#) - the motion to suspend the rules before the Clayton Street vote.
 - The motion was made by Commissioner Houle.
 - Currently the minutes erroneously note the motion as made by Commissioner Hamby.

Commissioner Link stated Section 3 (1) of an ordinance adopted April 6 entitled **AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING A PARCEL OF LAND COMPRISING APPROXIMATELY 35.12 ACRES LOCATED AT 100 NEWTON BRIDGE ROAD FROM I (INDUSTRIAL) TO E-O (PD) (EMPLOYMENT-OFFICE, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES** should change the term “greenway” to “multi-use”.

A motion was made by Commissioner Thornton, seconded by Commissioner Houle, to approve Minutes with above corrections. The motion passed by unanimous vote.

Public hearing and deliberation on recommendations from the Athens-Clarke County Planning Commission.

A public hearing was held on request of Bob Smith/Smith Planning Group Owner: Hope 139 House, Inc. for rezoning from RS-25 (PD) Single-Family Residential, Planned Development) to RM-1 (PD) (Mixed Density Residential, Planned Development) on 17.03 acres known as 225 Freeman Drive. Proposed use is congregate personal care home campus. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Public input

The following input was received.

- 1 Amy Ridderling – representing petitioner – supported
2. Shelley Tanner – supported

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to adopt the following ordinance (#21-05-43) 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 A PLANNED DEVELOPMENT FOR A PARCEL OF LAND COMPRISING APPROXIMATELY 17.03 ACRES LOCATED AT 225 FREEMAN DRIVE FROM RS-25(PD) (SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT) DISTRICT TO RM-1 (PD) (MIXED DENSITY RESIDENTIAL, PLANNED DEVELOPMENT) DISTRICT; 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 modifying a planned development for a parcel of land comprising approximately 17.03 acres located at 225 Freeman Drive, Athens, Georgia, from RS-25(PD)(Single-Family Residential, Planned Development) District to RM-1 (PD) (Mixed Density Residential, Planned Development) District. The affected parcel is more fully described in that certain document entitled “Hope 139 House, Sheet Title, Master Site Plan” said document designated in the lower right-hand corner as Sheet No. PD-10, 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 West Dougherty Street, Athens, Georgia.

The subject parcel comprising approximately 17.03 acres is also known as parcel number 161D2 C001 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 West 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 office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference is comprised of six pages in total, with each sheet being numbered and titled in the lower-right hand corner and stamped “Binding 4-8-21” The respective number, title, and date of each sheet is listed below:

Sheet No.	Title:	Date:
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PD-00	Cover Sheet	2/26/2021
PD-10	Master Site Plan	2/26/2021
A-2.0	Community Center Elevations	12/31/2020
A-2.1	The Commons Building	12/31/2020
A-2.2	2 Bed-Cottage Elevations – Type A & B	12/31/2020
A-2.3	3 Bed Cottage Elevations – Type A & B	12/31/2020

The binding written report associated with this ordinance and incorporated herein by reference is entitled “Master Planned Development Report, Hope 139 House,” is dated February 26, 2021, consists of seven pages in total, and is stamped “Binding 4-8-21.”

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

1. The requested waiver to Section 9-25-8-C-1 shall only apply to the requested personal care home use.
2. Per ACC Code Chapter 9-29, the development shall dedicate 5’ of additional right-of-way along Freeman Drive.

SECTION 4. Except as set forth in Section 3 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Jeff Carter/Carter Engineering Owner: South Milledge Townhomes Owners Association, Inc. & Carriage House Realty, Inc. for amendment to RM-1 (PD) Mixed Density Residential Planned Development) on 1.504 acres known as 1698 South Milledge Avenue and 115 Gran Ellen Drive. Proposed use is multifamily residential. Type II

Planning Commission recommendation: Approve w/conditions (unanimous)

Public input

There was none.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to adopt the following ordinance (#21-05-44) 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 A PLANNED DEVELOPMENT FOR TWO PARCELS OF LAND COMPRISING APPROXIMATELY 1.504 ACRES LOCATED AT 1698 SOUTH MILLEDGE AVENUE AND 115 GRAN ELLEN DRIVE IN THE RM-1(PD) (MIXED DENSITY RESIDENTIAL, PLANNED DEVELOPMENT) DISTRICT; 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 modifying a planned development for two parcels of land comprising approximately 1.504 acres located at 1698 South Milledge Avenue and 115 Gran Ellen Drive, Athens, Georgia, in the RM-1(PD)(Mixed Density Residential, Planned Development) District. The affected parcels are more fully described in that certain document entitled “Revised Planned Development for S. Milledge Townhomes, Sheet Title: Planned Development Amendment Plan” said document designated in the lower right-hand corner as Sheet No. PDP, prepared by Carter Engineering Consultants, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcels comprising approximately 1.504 acres are also known as parcel numbers 173C4 F012 and 173C4 F012A 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 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference is comprised of one page. Said page is entitled “Revised Planned Development for S. Milledge Townhomes, Sheet title: Planned Development Amendment Plan,” dated February 26, 2021, was

prepared by James J. Carter, registered professional engineer, is designated in the lower right-hand corner as sheet number "PDP," and is stamped "Binding 4-8-21."

The binding written report associated with this ordinance and incorporated herein by reference is entitled "South Milledge Avenue Townhomes, Project Narrative," is dated December 31, 2020 and revised February 26, 2021, consists of four pages in total, and is stamped "Binding 4-8-21."

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

1. A subdivision plat shall be approved and recorded per the amended binding plan.
2. The new parcel shall remain in its current natural, undisturbed buffer condition.
3. The site plan shall be revised to provide metes and bounds along the property lines of the entire Planned Development.
4. The site plan shall be revised to correct the maximum allowable lot coverage to 55%.
5. The site plan and the application report shall be revised to correct the proposed residential density of the reduced condominium tract as 15.70 bedrooms per acre.

SECTION 4. Except as specifically modified or amended herein, that certain ordinance entitled "An Ordinance to Amend a Code of Athens, Georgia (1987), with respect to rezoning on South Milledge Avenue from RS-15 (Single-Family Residential) to RM-1(PD) (Multi-Family Residential Planned Development); and for other purposes," which the Mayor and Council of the City of Athens, Georgia approved during its meeting on January 17, 1989, is hereby saved from repeal and shall remain in full force and effect.

SECTION 5. Except as set forth in Section 3 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Public input

The following persons spoke in regard to the Water Trails Project.

1. Bruno Giri – supported
2. Cassidy Lord – supported
3. Gwyneth Moody – supported
4. Richard Field – supported
5. Charles Hinkle – supported
6. Diane Windham – supported
7. Allen Jones – supported
8. Gary Lawrence – supported
9. Angela Hansen – supported
10. Claude Lett – supported
11. Michael McLendon – opposed
12. Gilbert Milner – opposed

The following persons spoke in regard to renaming of Lay Park gymnasium and East Athens Community Center.

1. Richard (Rick) Dunn – supported
2. Fred Smith Sr. – supported

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.

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

1. ADOPT: The following ordinance (#21-05-45) which was presented by title only,

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **ALL-WAY STOP CONTROL AT THE INTERSECTION OF FIRST STREET AND THIRD STREET**; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50 of the Code of Athens-Clarke County, Georgia, stop control is hereby established for all three approaches to the intersection of First Street and Third Street, as shown Attachment #1, entitled "First St. at Third St. Proposed All-way Stop," attached hereto and incorporated herein by reference.

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

2. a) AUTHORIZE Phase 3 sewer rehabilitation for the Tanyard Creek Interceptor as a change order to the Phase 2 contract as per agenda report dated March 25, 2021;
 - b) Amend the Phase 2 preliminary design to relocate one of the Phase 2 sewers and replace additional old sewer pipe;
 - c) Authorize staff to approve additive or deductive change orders that do not exceed the previously approved authorization; and
 - d) Authorize the Mayor and appropriate staff to execute all related project documents.
-
3. a) APPROVE: An appropriation of \$2,065,000 for the FY 21 water line upgrades as per agenda report dated March 30, 2021;
 - b) Award a unit price construction work order to the low bidder, Strickland and Sons Pipeline Inc., for \$1,877,257;
 - c) Authorize staff to approve project change orders that do not collectively exceed the overall appropriation of \$2,065,000; and
 - d) Authorize the Mayor and appropriate staff to execute all related contract documents.

Old and new business – Discussion

. A motion was made by Commissioner Houle, seconded by Commissioner Myers, to approve a connection to the Unified Government of Athens-Clarke County sanitary sewer system by means of a private pump station and force main to provide sewage service to property located at 1112 Hull Road as per Attachment #1 of agenda report dated March 25, 2021. The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Parker, to

- a) Accept the donation of the completed Nature Playscape improvements located at Sandy Creek Nature Center (205 Old Commerce Road, Athens, Ga 30607) shown in Attachment #1 of agenda report dated April 13, 2021;
- b) Directing the Manager to have staff, including but not limited to the ACC Inclusion Officer and the ADA Coordinator, meet with concerned residents and caretakers and review the donated playscape for potential improvements for inclusivity in regards to disabled and differently abled individuals. Staff shall return in the future with any recommendations and associated costs for further consideration.
- c) Requesting the Mayor to assign the topic of inclusive facilities into one of the two standing committees. Items to consider shall include, but not be limited to, what standards beyond compliance Leisure Services staff should pursue; a strategy around a base level of inclusivity for all LS facilities and/or specific facilities very focused on inclusivity in ACC.

- d) Directing the Manager to have ACC Inclusion Office staff reestablish the ACC Commission on People with Disabilities that was created by ordinance ([Sec. 1-16-1](#)). This should include making ordinance revision recommendations to ensure that this Commission is structured and operating in a viable and effective manner.

The motion passed 9-1. Commissioner Wright voted NO.

A motion was made by Commissioner Davenport, seconded by Commissioner Houle, to HOLD until June 1: Falling Shoals Drive - Parking prohibition. The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to HOLD until June 1: Old Jefferson Road sanitary sewage pump station concept. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, to approve the recommendations of the Athens Cultural Affairs Commission for the selection of the artist Andrew Kovacs to provide the public art type and style as shown in Attachment #1 of agenda report dated April 8, 2021 for TSPLOST 2018 Project 05 - Oconee Rivers Greenway – Dr. Martin Luther King Jr Parkway; and, authorize the Mayor and appropriate staff to execute any necessary documents. The motion passed by unanimous vote.

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

- a) Approve the proposed project concept for Sub-Project #1 Macon Highway Launch, as generally described in Attachment #1 of agenda report revised April 26, 2021 for SPLOST 2020 Project 34 Water Trails Project;
- b) Authorize staff to advance Sub-Project #1 to the schematic design phase based on funding availability and in accordance with the proposed project concept as generally described in facts and issues #2 for SPLOST 2020 Project 34 Water Trails Project; and
- c) Approve the Athens Cultural Arts Commission recommendation for the designation of the public art.

The motion passed 9-1. Commissioner Thornton voted NO.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve recommendation for "Traffic calming/neighborhood traffic management for sub-standard streets, examine sliding-scale metric regarding speed and frequency of vehicles vs. current requirements" as recommended by the Legislative Review Committee report dated April 7, 2021 in Attachments #1 and #2. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Houle, to approve the applications to name the Lay Park gymnasium the Willie Hull Gymnasium and to rename East Athens Community Center Aaron Heard Park and Community Center as per revised agenda report dated April 30, 2021. The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Houle, to adopt the following ordinance (#21-05-46) 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 **ELECTED OFFICIALS PURCHASING AND CREDIT CARDS**; AND FOR OTHER PURPOSES.

WHEREAS, effective January 1, 2016, O.C.G.A. § 36-80-24 prohibits county elected officials from using county purchasing/credit cards unless the county governing authority authorizes the issuance of such cards by public vote and has promulgated specific policies regarding the use of such cards;

WHEREAS, the Unified Government of Athens-Clarke County promulgates this ordinance as the official policy of Athens-Clarke County.

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

SECTION 1. Chapter 1-7, of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new section 1-7-32 entitled "*Elected Officials Purchasing and Credit Cards*," so that said new section is:

“CHAPTER 1-7. – Purchasing

Sec. 1-7-32. Elected officials purchasing and credit cards.

(a) *Intent and Scope.* This ordinance, consisting of sub sections (a) through (g) is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of county issued government purchasing/credit cards.

(b) *Definitions.*

- 1) “Authorized elected official” means an elected official designated by public vote of the Mayor and Commission to receive a county issued purchasing or credit card.
- 2) “Card Administrator” means the Purchasing Administrator.
- 3) “County” means Athens-Clarke County.
- 4) “County purchasing card,” “county P-card” or “county credit card” means a financial transaction card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, used by a county official to purchase goods, services and other things of value on behalf of the county.
- 5) “Financial transaction card” means an instrument or device as the term is defined in O.C.G.A. § 16-9-30(5).
- 6) “User agreement” means the required agreement between the county and the authorized elected officials that restricts the use of a county purchasing or credit card.

(c) *Designated Elected Officials.* The Mayor and Commission (“County”), in its discretion may authorize specific county elected officials to use a county purchasing or credit card by adoption of a resolution in a public meeting. No authorized elected official may use a county purchasing or credit card until and unless he or she has executed the County’s purchasing/credit card user agreement.

The County will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing or credit cards that are not issued pursuant to this ordinance or for any purchases that are not authorized by this ordinance.

(d) *Card Administrator.*

The Mayor and Commission hereby designate the Purchasing Administrator as the County purchasing/credit card administrator. The responsibilities of the card administrator include:

- 1) Manage County issued purchasing/credit cards.
- 2) Serve as the main point of contact for all county purchasing/credit card issues.
- 3) Serve as liaison to the elected officials authorized to use a purchasing/credit card and their staff, as well as to the issuer of the purchasing/credit card.
- 4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing or credit card and their staff.
- 5) Develop internal procedures to ensure timely payment of cards.
- 6) Assist authorized elected officials to dispute transactions when necessary.
- 7) Establish internal procedures to ensure compliance with this ordinance and county procurement ordinances and policies; county purchasing/credit card user agreements; Georgia law, specifically, O.C.G.A. §§ 16-9-37 and 36-80-24.

- 8) With guidance from the Finance Director, select appropriate financial institutions to issue purchasing/credit cards. The Finance Director shall have the authority to make the final selection.
- 9) With guidance from the Finance Department Accounting Division, document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards. The Finance Director shall have the authority to make a final internal control procedure determination.
- 10) Ensure purchase/credit card transactions are reconciled monthly.
- 11) Ensure record retention required by Georgia record retention policy.

(e) *Use of Cards*

- 1) *Authorized Purchases.* County purchase/credit cards may be used to purchase goods and services directly related to the public duties of the authorized elected official only. All purchases are subject to the terms of this ordinance, the county purchasing/credit card user agreement, county procurement policies and ordinances and the adopted budget.

Only authorized elected officials may use a County purchase card or credit card for purchases or payments. The cards, and use of the cards, are not transferrable to employees or others. The authorized elected official shall use care to ensure that others do not have access to the card account number, expiration date and security code.

Unless otherwise approved by the governing authority or established in the county purchasing/credit card user agreement, the transaction limits are as follows:

Per Transaction: \$2,499.99 – Higher limits approved by Purchasing Administrator
Per Month: \$20,000 – Higher limits approved by Purchasing Administrator

- 2) *Unauthorized Purchases.* County purchasing/credit cards shall not be used for goods and services not directly related to the official responsibilities of the authorized elected official. Additionally, cards shall not be used to avoid compliance with the county's purchasing ordinances and procedures, to purchase goods and services that are not approved in the county's budget, to purchase goods and services exceeding the per transaction or per month limit, or to make purchases not in compliance with the county purchasing/credit card user agreement or travel policy.
- 3) *Receipts and Documentation.* Receipts, invoices and other supporting documentation of all purchases made with a county purchasing or credit card shall be maintained by the authorized county elected official for five years or as otherwise provided by Georgia's record retention policy. If an original or duplicate cannot be produced, a sworn affidavit of the authorized elected official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official county duties.
- 4) *Public Records.* All receipt and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 *et seq.*

(f) *Review of Purchases and Audit.* Proper documentation of purchases, internal controls and other measures prevent and allow detection to misuse or abuse of county issued purchase/credit cards. Authorized elected officials and staff that process payments under this program shall cooperate and comply with the procedures established by the county.

- 1) *Review of Purchases.* All purchases shall be reviewed according to the following procedure: The Unified Government of Athens-Clarke County "Travel Policy" item 6 "Travel Expense Review.
- 2) *Audits.* The Finance Department Accounting Division shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials and staff shall cooperate with such review.

(g) *Violations.*

- (a) An elected official shall reimburse the county for any purchases made with a county issued purchase or credit card in violation of this ordinance or the user agreement.
- (b) In the discretion of the county governing authority, failure to comply with the procedures outlined in this ordinance may result in:
 - i. A warning;
 - ii. Suspension of the elected official's authority to use a county purchase or

- iii. Repealed. credit card; or
 - iv. Revocation of the elected official's authority to use a county purchase or credit card.
- (c) Nothing in this ordinance shall preclude the county governing authority from referring misuse of a purchase or credit card for prosecution to the appropriate authorities.”

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

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

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, Georgia law prohibits counties from issuing purchasing/credit cards to elected officials unless the governing authority of the county has authorized such issuance and has promulgated policies regarding their use as provided by law; and

WHEREAS, such purchasing/credit cards shall only be issued to elected officials designated by the governing authority; and

WHEREAS, in order to comply with O.C.G.A. § 36-80-24, the Unified Government of Athens-Clarke County desires to authorize certain elected officials to be issued a county purchasing/credit card, to adopt the attached ordinance containing the county's policy on purchasing/credit cards and to adopt the attached user agreement.

NOW, THEREFORE, BE IT RESOLVED that the Unified Government of Athens-Clarke County adopt the Purchasing/Credit Card Ordinance for County Elected Officials, attached hereto as Exhibit "A" and incorporated herein by reference, and the Purchasing/Credit Card User Agreement, attached hereto as Exhibit "B" and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Unified Government of Athens-Clarke County, by public vote, designates the following County Elected Officials to receive a county issued purchasing and/or credit card and approves the user agreement attached hereto as Exhibit "B" and incorporated herein by reference for the following elected officials:

- ✓ Coroner
- ✓ Magistrate Judge
- ✓ Probate Judge
- ✓ Sheriff
- ✓ Superior Court Clerk
- ✓ Tax Commissioner
- ✓ Solicitor
- ✓ State Court Judge
- ✓ District Attorney

EXHIBIT A

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **ELECTED OFFICIALS PURCHASING AND CREDIT CARDS**; AND FOR OTHER PURPOSES.

WHEREAS, effective January 1, 2016, O.C.G.A. § 36-80-24 prohibits county elected officials from using county purchasing/credit cards unless the county governing authority authorizes the issuance of such cards by public vote and has promulgated specific policies regarding the use of such cards;

WHEREAS, the Unified Government of Athens-Clarke County promulgates this ordinance as the official policy of Athens-Clarke County.

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

SECTION 1. Chapter 1-7, of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new section 1-7-32 entitled "*Elected Officials Purchasing and Credit Cards*," so that said new section is:

"CHAPTER 1-7. – Purchasing

Sec. 1-7-32. Elected officials purchasing and credit cards.

(a) *Intent and Scope.* This ordinance, consisting of sub sections (a) through (g) is intended to comply with the policy requirements of O.C.G.A. § 36-80-24 regarding the use of county issued government purchasing/credit cards.

(b) *Definitions.*

- 1) "Authorized elected official" means an elected official designated by public vote of the Mayor and Commission to receive a county issued purchasing or credit card.
- 2) "Card Administrator" means the Purchasing Administrator.
- 3) "County" means Athens-Clarke County.
- 4) "County purchasing card," "county P-card" or "county credit card" means a financial transaction card issued by any business organization, financial institution, or any duly authorized agent of such organization or institution, used by a county official to purchase goods, services and other things of value on behalf of the county.
- 5) "Financial transaction card" means an instrument or device as the term is defined in O.C.G.A. § 1) 6-9-30(5).
- 6) "User agreement" means the required agreement between the county and the authorized elected officials that restricts the use of a county purchasing or credit card.

(c) *Designated Elected Officials.* The Mayor and Commission ("County"), in its discretion may authorize specific county elected officials to use a county purchasing or credit card by adoption of a resolution in a public meeting. No authorized elected official may use a county purchasing or credit card until and unless he or she has executed the County's purchasing/credit card user agreement.

The County will not make payments to any business organization, financial institution, or any duly authorized agent of such organization or institution, for amounts charged by an elected official to any purchasing or credit cards that are not issued pursuant to this ordinance or for any purchases that are not authorized by this ordinance.

(d) *Card Administrator.*

The Mayor and Commission hereby designate the Purchasing Administrator as the County purchasing/credit card administrator. The responsibilities of the card administrator include:

- 1) Manage County issued purchasing/credit cards.
- 2) Serve as the main point of contact for all county purchasing/credit card issues.
- 3) Serve as liaison to the elected officials authorized to use a purchasing/credit card and their staff, as well as to the issuer of the purchasing/credit card.
- 4) Provide training on card policies and procedures to the elected officials authorized to use a purchasing or credit card and their staff.
- 5) Develop internal procedures to ensure timely payment of cards.
- 6) Assist authorized elected officials to dispute transactions when necessary.
- 7) Establish internal procedures to ensure compliance with this ordinance and county procurement ordinances and policies; county purchasing/credit card user agreements; Georgia law, specifically, O.C.G.A. §§ 16-9-37 and 36-80-24.
- 8) With guidance from the Finance Director, select appropriate financial institutions to issue purchasing/credit cards. The Finance Director shall have the authority to make the final selection.
- 9) With guidance from the Finance Department Accounting Division, document internal controls, audits and other measures to prevent and detect misuse or abuse of the cards. The Finance Director shall have the authority to make a final internal control procedure determination.
- 10) Ensure purchase/credit card transactions are reconciled monthly.
- 11) Ensure record retention required by Georgia record retention policy.

(e) *Use of Cards*

1) *Authorized Purchases.* County purchase/credit cards may be used to purchase goods and services directly related to the public duties of the authorized elected official only. All purchases are subject to the terms of this ordinance, the county purchasing/credit card user agreement, county procurement policies and ordinances and the adopted budget.

Only authorized elected officials may use a County purchase card or credit card for purchases or payments. The cards, and use of the cards, are not transferrable to employees or others. The authorized elected official shall use care to ensure that others do not have access to the card account number, expiration date and security code.

Unless otherwise approved by the governing authority or established in the county purchasing/credit card user agreement, the transaction limits are as follows:

Per Transaction: \$2,499.99 – Higher limits approved by Purchasing Administrator
Per Month: \$20,000 – Higher limits approved by Purchasing Administrator

2) *Unauthorized Purchases.* County purchasing/credit cards shall not be used for goods and services not directly related to the official responsibilities of the authorized elected official. Additionally, cards shall not be used to avoid compliance with the county's purchasing ordinances and procedures, to purchase goods and services that are not approved in the county's budget, to purchase goods and services exceeding the per transaction or per month limit, or to make purchases not in compliance with the county purchasing/credit card user agreement or travel policy.

3) *Receipts and Documentation.* Receipts, invoices and other supporting documentation of all purchases made with a county purchasing or credit card shall be maintained by the authorized county elected official for five years or as otherwise provided by Georgia's record retention policy. If an original or duplicate cannot be produced, a sworn affidavit of the authorized elected official may be substituted. The documentation must include the supplier or merchant information (i.e., name and location), quantity, description, unit price, total price, price paid without sales tax and an explanation of the purchase sufficient to show that the expense was in the performance of official county duties.

4) *Public Records.* All receipt and other documentation of purchases are public records and subject to the requirements of O.C.G.A. § 50-18-70 *et seq.*

(f) *Review of Purchases and Audit.* Proper documentation of purchases, internal controls and other measures prevent and allow detection to misuse or abuse of county issued purchase/credit cards. Authorized elected officials and staff that process payments under this program shall cooperate and comply with the procedures established by the county.

1) *Review of Purchases.* All purchases shall be reviewed according to the following procedure: The Unified Government of Athens-Clarke County "Travel Policy" item 6 "Travel Expense Review.

2) *Audits.* The Finance Department Accounting Division shall perform an annual review of the card program to ensure adequacy of internal policies and procedures, cardholder spending limits, monthly reconciliation procedures and documentation for transactions. Elected officials and staff shall cooperate with such review.

(g) *Violations.*

(a) An elected official shall reimburse the county for any purchases made with a county issued purchase or credit card in violation of this ordinance or the user agreement.

(b) In the discretion of the county governing authority, failure to comply with the procedures outlined in this ordinance may result in:

- i. A warning;
- ii. Suspension of the elected official's authority to use a county purchase or
- iii. Repealed credit card; or
- iv. Revocation of the elected official's authority to use a county purchase or credit card.

(c) Nothing in this ordinance shall preclude the county governing authority from referring misuse of a purchase or credit card for prosecution to the appropriate authorities."

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

EXHIBIT B

Purchasing/Credit Card User Agreement between Unified Government of Athens-Clarke County and Athens-Clarke County Elected Officials

This Purchasing/Credit Card User Agreement is between the Unified Government of Athens-Clarke County (hereinafter "County") and _____ (hereinafter "Elected Official"), an elected official of Athens-Clarke County for use of an Athens-Clarke County Purchasing/Credit Card (hereinafter "card"), issued by Bank of America (hereinafter "Bank"), in accordance with O.C.G.A. § 36-80-24(c)(2). In exchange for the privilege of receiving a card for the purpose of purchasing goods and services directly related to the public duties of the authorized elected official of the county, the Elected Official agrees as follows:

I. Authorized and Unauthorized Use.

a. Elected Official agrees to only use the card for goods and services directly related to Elected Official's public duties.

- b. Elected Official shall not use the card in a manner intended to avoid compliance with the county's purchasing ordinance and procedures.
- c. Elected Official agrees to use the card for the purchase of goods and services authorized by the budget adopted by the Mayor and Commission.
- d. Elected Official shall not use the card for personal use or any use other than goods and service directly related to the official responsibilities of Elected Official.
- e. Elected Official shall not exceed a \$2,499.99 per transaction and/or a \$20,000 per month limit, unless approved by the Card Administrator.
- f. Elected Official shall not subdivide a purchase in an effort to circumvent the transaction limit for the card.
- g. Elected Official shall not request or receive cash from suppliers or vendors for exchanges or returns. All refunds or exchanges must be credited to the card account.

II. Obligations of Elected Official. Elected Official agrees to use the card in accordance with the terms and conditions of this Agreement, the Purchasing/Credit Card Ordinance for Athens-Clarke County Elected Officials ("Ordinance"), incorporated herein by reference, as it may be amended from time to time, and any procedures developed in relation to the use of the card.

- a. Elected Official agrees to cooperate with the Card Administrator in relation to the use of the card, including participation in training, submission of receipts and documentation, notification of lost or stolen cards, etc.
- b. Elected Official shall comply with the county's budget, purchasing policies and procedures when making purchases with the card.
- c. Elected Official shall notify the Card Administrator, if Elected Official's name or contact information changes, within thirty days of such change
- d. Elected Official shall protect the card at all times to prevent unauthorized use.
- e. Elected official shall immediately notify the Bank and Card Administrator if the card is lost or stolen.
- f. Elected Official shall surrender the card immediately upon request, expiration, resignation or removal from office.
- g. Elected Officials acknowledges that he or she is the only individual authorized to use the card.
- h. Elected Officials acknowledges that most purchases by the county are exempt from Georgia sales tax. Elected Official shall provide any supplier or vendor with the County's sales tax-exempt form, where reasonable. For example, meals and other small purchases incurred during travel would be exempted from this requirement.

III. Receipts and Documentation. Receipts are required for all card transactions. Elected Official shall provide receipts, invoices and other supporting documentation of all purchases made with the card as required by the Card Administrator. Substantiating documentation shall include the supplier or merchant information, quantity, description, unit price, total price, and an explanation of the purchase sufficient to demonstrate that the expense was in the performance of official county duties.

IV. Violations. In the discretion of the Mayor and Commission, failure to comply with the terms of this agreement or the ordinance may result in one or more of the following:

- a. Warning;
- b. Suspension of card privileges;
- c. Termination of card privileges;
- d. Collection of an amount equal to the total of any improper purchases, including but not limited to declaring such purchases as an advance on salary to the extent allowed by law; and/or
- e. Prosecution. Official understands and acknowledges that misuse of the card may be considered a crime. Suspected misuse of the card may be reported to the proper authorities for prosecution.

V. Term. This agreement shall be for effective until terminated by the Mayor and Commissioners or elected official leaves office, effective the ____ day of _____, 2021. Either party may terminate the

agreement with 30 days' notice. The card shall be promptly returned to the Card Administrator in the event of such termination. The Elected Official's obligations of this agreement shall survive the termination of this agreement.

The CY21 Pavement Maintenance Program - Roadway list, project resolution, contract renewal was held until May 18 at staff's request.

A motion was made by Commissioner Houle, seconded by Commissioner Parker, to HOLD until June 1 standard and heavy-duty wrecker on-call service contracts.

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

- a) Approve as per agenda report dated April 6, 2021 the award of the standard-duty contract such that:
 - i. 40% of all standard-duty wrecker service tows be awarded to Dennis & Judy's Towing;
 - ii. 20% of all standard-duty wrecker service tows be awarded to Shuman's Wrecker Service; and
 - iii. The remaining 40% of standard duty wrecker service tows be divided equally among the remaining qualified vendors: Logan's Towing, HPC Auto Services, Barrett's Towing, Oldham's Body & Paint, and S & J Roadside Services.
- b) Approve the award of the heavy-duty contract such that:
 - i. 100% of all heavy-duty wrecker service tows be awarded to Shuman's Wrecker Service; and
 - ii. S & J Roadside Services be designated as a back-up, should the need arise.
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The substitute motion passed by roll call vote with Commissioners Davenport, Link, Wright, Denson, Edwards, Thornton, and Hamby voting YES; and Commissioners Parker, Houle, and Myers voting NO. (7 YES; 3 NO)

New business – Consider under suspension of Rules

A motion was made by Commissioner Thornton, 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 Myers, to

- a) Approve the Solicitor General's submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to be used to fund one domestic violence prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2021 as per agenda report dated April 28, 2021;
- b) Approve the continuation of one full-time authorized position for the Solicitor General's Office specialized domestic violence prosecution in CY21;
- c) Adopt the following ordinance (#21-05-47) which was presented by title only for \$70,000 for the CJCC Grant; 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 FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR ONE FULLTIME POSITION AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; 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 Georgia Criminal Justice Coordinating Council 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:

Stop Violence Against Women Grant (CJCC) \$70,000

EXPENDITURES:

Increase:

Solicitor General Operating Expenses \$70,000

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

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

**RESOLUTION ENSURING VOTER ACCESS AND EMPOWERMENT AND MITIGATING
NEGATIVE IMPACT ON ATHENS-CLARKE COUNTY RESIDENTS OF THE VOTING
RESTRICTIONS IMPOSED BY SENATE BILL 202**

WHEREAS, during the 2020 General Election and General Election Runoff for Federal Offices, the residents of the State of Georgia and Athens-Clarke County exercised their right to vote in overwhelming numbers, leading to historical results; and

WHEREAS, in the wake of the 2020 elections various unsubstantiated allegations of fraud were made, and the election results were unsuccessfully challenged in the courts; and

WHEREAS, recounts and audits of the 2020 elections showed the accuracy and integrity of the election results; and

WHEREAS on January 2, 2021, defeated Presidential candidate Donald Trump made a phone call to Georgia Secretary of State Brad Raffensberger in an attempt to persuade him to overturn the legitimate election of Joseph R. Biden in the state of Georgia; and

WHEREAS, nonetheless, members of the Georgia General Assembly in the 2021 session introduced several bills claiming to address a lack of security and fairness in the election by imposing new restrictions and barriers to voting access; and

WHEREAS, on March 25, 2021, Governor Brian Kemp signed into law Senate Bill 202, termed the "Election Integrity Act of 2021 ," which makes sweeping changes to voting laws in the state; and

WHEREAS, these changes include empowering state officials to take over local election boards, limiting the use of ballot drop boxes, and imposing new voter identification requirements and limitations for the use absentee ballots; and

WHEREAS, these voting restrictions will disproportionately impact residents in cities and counties with high density populations, including Athens-Clarke County, and will impose barriers to their ability to vote; and

WHEREAS, our elections should be overseen by a local Board of Elections made up of local residents who know and understand this community; and

WHEREAS, during his lifetime the great Congressman John Lewis reminded us through his words and actions that "the right to vote is precious, almost sacred"; and

WHEREAS, it is the desire of this Mayor and Commission to take appropriate action within our powers to ensure that Athens-Clarke County residents shall have every opportunity to exercise their right to

vote; and

WHEREAS, accordingly, the Mayor and Commission hereby direct the County Manager to consult with the Board of Elections and Registration and the County Attorney's Office to develop a plan of action to mitigate the impact on Athens-Clarke County residents of the voting restrictions imposed by Senate Bill 202;

NOW, THEREFORE, THE ATHENS-CLARKE COUNTY MAYOR AND COMMISSION DIRECT THAT:

SECTION 1: The County Manager shall consult with the Board of Elections and Registration and the County Attorney's Office to develop a plan of action to mitigate the impact on the Unified Government of Athens-Clarke County residents of the voting restrictions imposed by Senate Bill 202.

SECTION 2: These actions shall include but not be limited to:

- a) Coordinating with the Board of Elections and Registration and other appropriate staff to roll out a voter information campaign, no later than March 1, 2022, to make easily accessible to residents of Athens-Clarke County information and resources on voter registration, general information on early, absentee, and in-person voting, and how to obtain the forms of identification required for absentee voting.
- b) Coordinating with the Board of Elections and Registration and other appropriate staff to include QR Codes or links to websites providing information regarding voter registration and absentee voting in water bills and other mailings or outlets.
- c) Working with the Board of Elections and Registration and other appropriate staff to collaborate with corporate and community partners in developing and implementing Public Service Announcements and other communications to provide clarity on new voting related deadlines and timelines.
- d) Ensuring the Board of Elections and Registration and other appropriate staff have ample assistance and resources to:
 - 1) maximize the number of, and access to, secure absentee ballot drop boxes; and
 - 2) identify a broad array of early voting locations to maximize early voting access over the available window of time.

A motion was made by Commissioner Hamby, seconded by Commissioner Houle, to adopt the following ordinance (#21-05-48) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE FOR THE SIXTEENTH 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 219 countries and territories 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, 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, December 30, 2020, January 29, 2021, February 26, 2021, March 31, 2021 and again on April 23, 2021 so that it will remain in effect at least through Sunday, May 30, 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, December 1, 2020, January 6, 2021, February 2, 2021, March 2, 2021, and again on April 6, 2021; and

WHEREAS, the CDC¹, 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 on Friday, April 30, 2021, Georgia now has 878,827 confirmed cases of COVID-19, including 12,733 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 17,534 individuals in Georgia have died and 61,500 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 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

¹ 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.

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now 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 April 23, 2021, 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 voted 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";² 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

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

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.

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 and the April 1, 2021 deadlines for payment of 2020 and 2021 Occupation Tax and regulatory fees is extended to and including Sunday, June 13, 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 Sunday, June 13, 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.

A motion was made by Commissioner Edwards, seconded by Commissioner Davenport, to approve the following appointments. The motion passed by unanimous vote.

Airport Authority	David Asman – reappointment Craig Westwood Four-year term expiring 06-30-2025
Athens in Motion Commission	Randy Halstead Partial term expiring 07-31-2022
Development Authority of the Unified Government of Athens-Clarke County	Bonnie Chastain – reappointment Katherine Davis Sabrina Huff Ashworth Four-year term expiring 06-30-2025
Hearings Board	John Gazlay – reappointment Michael Lord – reappointment Four-year term expiring 06-30-2025
Historic Preservation Commission	Joanna Beckman Heather Fletcher - reappointment Thomas White - reappointment Three-year term expiring 06-30-2024
Planning Commission	Monique Sanders Taylor Pass Five-year term expiring 06-30-2026

Public input on items other than those listed on this agenda

The following input was received.

1. Broderick Flanagan – supported equity in budget and green new jobs.
2. Dennis Holmes – needs assistance.

FROM MAYOR GIRTZ:

1. Requested Manager Williams have Planning staff review property at 1885 Lexington Road for evaluation of possible C-G or other appropriate designation.
2. Referred to Government Operations Committee a review of inclusive Athens-Clarke County facilities
3. Announced appointments to East Athens Library Site selection Committee.

Commissioner Carol Myers – Chair
Leslie Gonzalez – Hilsman Middle School Media Specialist
Harry Sims – resident and former ACC commissioner
Annice Ritter - longtime literacy coach
Laura Carter – SPLOST 2020 Oversight CAC member

FROM MANAGER WILLIAMS:

1. Received for information was report contracts awarded over \$10,000 for month of March 2021

FROM COMMISSIONER HOULE:

1. Expressed appreciation to staff of Transportation and Public Works, Sustainability Office, and Leisure Services for recent assistance.
2. Announced a Westwood Hills/River bottom neighborhood meeting May 15, 2:00 p.m.
3. Announced a Stonehenge neighborhood meeting June 12, 2:00 p.m.
4. Requested consideration of a living wage policy is referred to committee.
5. Requested a work session on violence prevention programming.
6. Requested a work session on law enforcement equipment.
7. Stated Fowler Mill Bridge Road will probably remain closed one year for repairs.

FROM COMMISSIONER EDWARDS:

1. Requested when official action is taken for renaming of Lay Park gym and East Athens Community Center, accomplishments of those for whom they will be renamed will be shared.

FROM COMMISSIONER MYERS;

1. Stated she is honored to serve a chair of the East Athens Library Site Selection Committee.

FROM COMMISSIONER THORNTON;

1. Requested consideration of membership in the National League of Cities.
2. Expressed appreciation to Athens Black Chamber of Commerce.

FROM COMMISSIONER DAVENPORT:

1. Announced a neighborhood meeting May 24.
2. Welcomed aboard new Assistant Manager Niki Jones.

FROM COMMISSIONER PARKER:

1. Announced a Fourth Street Village neighborhood meeting May 8.
2. Stated a votercade is scheduled May 8, 1:00 p.m.
3. Congratulated Taylor Pass who was recently appointed to the Planning Commission.
4. Announced a live stream budget program on May 13.
5. Expressed condolences to family of Key'Travian Tyvon Cole who was a recent homicide victim.

FROM COMMISSIONER LINK:

1. Expressed appreciation for support and patience as her mother recovers from an accident.
2. Encouraged citizens to comment on proposed Barber Street traffic options.

FROM COMMISSIONER WRIGHT:

1. Requested an in person budget work session.

FROM COMMISSIONER DENSON:

1. Supported an in person budget work session.
2. Announced a neighborhood meeting May 26, 6:00 p.m.

3. Supported acting transit director Pat Hale as she carries on successes of former director McDuffie.
4. Requested options for promoting vaccinations be explored.

The meeting adjourned at 9:50 p.m.

Clerk of Commission

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