

Due to the COVID-19 pandemic, the May 18 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 18, 2021
6:00 p.m.
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. No one was absent. Commissioner Denson came in at 6:05 p.m.

The purpose of the meeting was to conduct public hearing #2 on the proposed FY22 budget as required by the Taxpayer Bill of Rights passed by the Georgia General Assembly in 1999; conduct public hearing on proposed FY22 budget as required by O.C.G.A. 36-81-5; consider several items of new business, and any other item in proper order.

Public hearing #2 was conducted on the proposed FY22 budget as required by the Taxpayer Bill of Rights passed by the Georgia General Assembly in 1999.

Public input

There was none.

A public hearing was conducted on the proposed FY22 budget as required by O.C.G.A. 36-81-5.

Public input

The following input was received.

1. Nnenne Onyioha-Clayton –
2. Gray Reilly – supported funding for district attorney
3. Allyn Carey - supported funding for Athens Area Homeless Shelter
4. Tom Kenyon- supported funding for Athens Area Homeless Shelter
5. Qvaris Franklin – supported mentoring program for young men
6. Michael Songster – supported emergency coalition
7. Linda Lloyd – supported reset program
8. Charlie Maddox – supported working with DCA on reset program
9. Linda Stephens – supported affordable housing for seniors
10. Asia Thomas – supported funding for youth programs
11. Hamilton Cole - supported funding for youth programs
12. Farol NeSmith – expressed appreciation to Police Department for naming The Jerry B. NeSmith Behavioral Health Co-Responder Unit in memory of her late husband and ACC Commissioner; supported funding for the program
13. Fred Smith – supported funding for youth programs
14. James Ford – supported funding for youth programs
15. Chaynese Allen – supported funding for youth and families
16. Tammie Foote supported funding for youth programs
17. Kalesha Maddox – supported funding for youth programs
18. Sarah Jo Harris - rent too high for senior citizens
19. Tamara Joiner – supported affordable housing
20. Broderick Flanagan - supported youth employment opportunities
21. Jawana Glenn – supported funding for youth programs and more police
22. Khoriana Glenn – supported funding for youth programs

Attorney Drake introduced newly hired Assistant Attorney Austin Jackson who made brief remarks.

New business – Consider under suspension of Rules

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

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

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY GEORGIA AS IT RELATES TO “**OPEN CONTAINERS**” FOR THE PURPOSE OF ENSURING THAT FOOD SERVICE ESTABLISHMENTS LOCATED IN ATHENS-CLARKE COUNTY ARE NOT PROHIBITED FROM SELLING MIXED DRINKS FOR OFF-PREMISES CONSUMPTION IN APPROVED CONTAINERS AS RECENTLY AUTHORIZED BY GEORGIA LAW; AND FOR OTHER PURPOSES.

WHEREAS, the Unified Government of Athens-Clarke County desires to amend the Code of Athens-Clarke County, Georgia as it relates to “Open Containers” for the purpose of ensuring that food service establishments located in Athens-Clarke County are not prohibited from selling mixed-drinks for off premises consumption in approved containers as recently authorized by Georgia law;

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

SECTION 1. Section 6-3-12 entitled “*Open containers*” of the Code of Athens-Clarke County, Georgia, subsection (a) entitled ““*Open container*” defined” is deleted in its entirety and the following new subsection is inserted in lieu thereof:

“Sec. 6-3-12. – Open containers.

(a) “*Open container*” defined. The term “open container”, as used in this chapter, means any bottle, can, glass, cup or other vessel which contains an alcoholic beverage not in its original container. The term “open container” shall also mean the original container of an alcoholic beverage and which contains an alcoholic beverage on which the seal has been broken or which is otherwise ready for consumption. Notwithstanding the foregoing, the term “open container” shall not mean any tamper evident container that constitutes an “approved container” as defined in O.C.G.A. Sec. 3-3-11.”

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

2. A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to adopt a resolution to approve the first amendment to the settlement and covenant not to sue agreement in the bar owner’s litigation related to the hours of operation for alcohol licensees.

A substitute motion was made by Commissioner Edwards, seconded by Commissioner Link, to table this item for 30 days.

Commissioner Link offered an amendment to require proof of vaccination.

The amendment was not accepted.

The substitute motion failed by roll call vote with Commissioners Link and Edwards voting YES; and Commissioners Davenport, Parker, Wright, Denson, Houle, Myers, Thornton and Hamby voting NO. 2 YES; 8 NO)

The original motion passed by unanimous vote and the following resolution was declared adopted.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE THE FIRST AMENDMENT TO THE SETTLEMENT AND COVENANT NOT TO SUE AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, on August 14, 2020, a settlement agreement and covenant not to sue was entered into among (the “Settlement Agreement”) Athens Entertainment Concepts, LLC d/b/a On the Rocks, SEC Entertainment LLC d/b/a Moonshine Bar, Chatto Fields, Inc. d/b/a Cloud, Infusia, Inc. d/b/a Buddha Bar Athens, and Centro Athens, LLC d/b/a Centro Athens (hereinafter collectively referred to as the “Bar Owners”), and the Unified Government of Athens-Clarke County (hereinafter “Athens-Clarke County”); and

WHEREAS, the Settlement Agreement restricted the hours during which the Bar Owners and other licensees for the sale of alcoholic beverages—e.g., liquor, beer, and wine—by the drink could serve alcohol to customers from 2:00 a.m. to 11 :30 p.m.; and

WHEREAS, the Bar Owners have requested that Athens-Clarke County amend the Settlement Agreement to provide for the adoption of an Ordinance to restore the hours of operation for alcohol licensees that were in effect prior to the adoption of the Bar Ordinance and the filing of the Lawsuit (the "Revised Bar Ordinance"); and

WHEREAS, Athens-Clarke County has been advised by its Police Department that a benefit of the Revised Bar Ordinance would be the separation of bar crowds from the evening/dining retail crowds, which would both reduce congestion affecting local businesses and reduce potential COVID-19 transmission that could result from said congestion; and

WHEREAS, the Bar Owners and Athens-Clarke County value the health and safety of the public and desire to encourage COVID-19 vaccinations; and

WHEREAS, as a condition of Athens-Clarke County's agreement to adopt the Revised Bar Ordinance, the Bar Owners each separately agree to cooperate with the Clarke County Health Department and/or such other appropriate entities to promote and encourage COVID-19 vaccinations and co-host a COVID-19 vaccination event; and

WHEREAS, following Athens-Clarke County's review of the Bar Owners' request, the County is willing to agree to the adoption of the Revised Bar Ordinance due to the benefits identified by the Police Department in helping reduce community spread and transmission of COVID-19, due to the recent implementation of COVID-19 vaccinations, and due to the Bar Owners' agreement to promote and encourage COVID-19 vaccinations and co-host a Covid-19 vaccination event;

NOW, THEREFORE, BE IT RESOLVED THAT the Commission does hereby approve the First Amendment to Settlement and Covenant Not to Sue Agreement, in substantially the same form as Exhibit "A" attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED the Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this Resolution; and,

BE IT FURTHER RESOLVED that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs th at each such scrivener's error shall be corrected in all multiple counterparts of this Resolution; and,

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

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

EXHIBIT "A"

FIRST AMENDMENT TO SETTLEMENT AND

COVENANT NOT TO SUE AGREEMENT

WHEREAS, on August 14, 2020, a settlement agreement and covenant not to sue was entered into among (the "Settlement Agreement") Athens Entertainment Concepts, LLC d/b/a On the Rocks, SEC Entertainment LLC d/b/a Moonshine Bar, Chatto Fields, Inc. d/b/a Cloud, Infusia, Inc. d/b/a Buddha Bar Athens, and Centro Athens, LLC d/b/a Centro Athens (hereinafter collectively referred to as the "Bar Owners"), and the Unified Government of Athens-Clarke County (hereinafter "Athens-Clarke County") (Bar Owners and Athens-Clarke County will be referred to collectively as the "Parties");

WHEREAS, the Settlement Agreement restricted the hours during which the Bar Owners and other licensees for the sale of alcoholic beverages—e.g., liquor, beer, and wine—by the drink could serve alcohol to customers from 2:00 a.m. to 11 p.m.;

WHEREAS, the Bar Owners have requested that Athens-Clarke County amend the Settlement Agreement to provide for the adoption of an Ordinance to restore the hours of operation for alcohol licensees that were in effect prior to the adoption of the Bar Ordinance and the filing of the Lawsuit (the "Revised Bar Ordinance");

WHEREAS, Athens-Clarke County has been advised by its Police Department that a benefit of the Revised Bar Ordinance would be the separation of bar crowds from the evening/dining retail crowds, which would both reduce congestion affecting local businesses and reduce potential COVID-19 transmission that could result from said congestion;

WHEREAS, the Bar Owners and Athens-Clarke County value the health and safety of the public and desire to encourage COVID-19 vaccinations;

WHEREAS, as a condition of Athens-Clarke County's agreement to adopt the Revised Bar Ordinance, the Bar Owners each separately agree to cooperate with the Clarke County Health Department and/or such other appropriate entities to promote and encourage COVID-19 vaccinations and co-host a Covid-19 vaccination event;

WHEREAS, following Athens-Clarke County's review of the Bar Owners' request, the County is willing to agree to the adoption of the Revised Bar Ordinance due to the benefits identified by the Police Department in helping reduce community spread and transmission of COVID-19, due to the recent implementation of COVID-19 vaccinations, and due to the Bar Owners' agreement to promote and encourage COVID-19 vaccinations and co-host a Covid-19 vaccination event;

WHEREAS, the Parties have determined it to be in their mutual interests to enter into an amendment to the Settlement Agreement;

NOW, THEREFORE, the Parties have agreed as follows:

1. **Promotion of Vaccination Clinic.** The condition precedent for Section 2 of this Agreement is that the Bar Owners each separately agree to promote a COVID-19 vaccination clinic (the "Event") to take place on a date designated by the Clarke County Health Department (the "Event Date"), as described below, to encourage COVID-19 vaccinations.

A. For a minimum of ten (10) days leading to the Event Date, the Bar Owners will promote the Event through their social media platforms and paper postings in their respective venues.

B. On the Event Date, the Bar Owners and the Clarke County Health Department, and such other appropriate entities as may be designated by the Clarke County Health Department, will co-host a COVID-19 vaccination clinic at a third-party venue designated by the Clarke County Health Department, such as The Classic Center or College Square Plaza, at no cost to the Bar Owners.

2. **The Revised Bar Ordinance.** Athens-Clarke County will adopt an Ordinance to be effective on Thursday, May 20, 2021, at 12:00 noon that:

A. changes the hours of operation currently set forth in Athens-Clarke County Code Section 6-3-5(i)(3), (4), and (5) from 7:00 a.m. until 11 p.m. to 7:00 a.m. until 2:00 a.m.; and

B. changes the time limit for clearing patrons from premises set forth in Athens-Clarke County Code Section 6-3-56) from 30 minutes to 45 minutes.

3. The Settlement Agreement as amended by this First Amendment shall remain in full force and effect in accordance with its terms and provisions. The Parties to this First Amendment hereby confirm and ratify each of the provisions of the Settlement Agreement as amended by this First Amendment.

4. This First Amendment may be executed in multiple counterparts, as agreed by the Parties, each of which shall be deemed an original, but which together shall constitute the Agreement. In addition, facsimile or electronic signatures shall be deemed the equivalent of an original signature.

3. A motion was made by Commissioner Wright, seconded by Commissioner Houle, to adopt the following ordinance (#21-05-) 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 HOURS OF OPERATION FOR ALCOHOL LICENSEES; AND FOR OTHER PURPOSES.

WHEREAS, on August 14, 2020, a settlement agreement and covenant not to sue was entered into among (the "Settlement Agreement") Athens Entertainment Concepts, LLC d/b/a On the Rocks, SEC Entertainment LLC d/b/a Moonshine Bar, Chatto Fields, Inc. d/b/a Cloud, Infusia, Inc. d/b/a Buddha Bar Athens, and Centro Athens, LLC d/b/a Centro Athens (hereinafter collectively referred to as the "Bar Owners"), and the Unified Government of Athens-Clarke County (hereinafter "Athens-Clarke County"); and

WHEREAS, the Settlement Agreement restricting the hours during which the Bar Owners and other licensees for the sale of alcoholic beverages—e.g., liquor, beer, and wine—by the drink could serve alcohol to customers from 2:00 a.m. to 11 p.m.; and

WHEREAS, the Bar Owners have requested that Athens-Clarke County amend the Settlement Agreement to provide for the adoption of an Ordinance to restore the hours of operation for alcohol licensees that were in effect prior to the adoption of the Bar Ordinance and the filing of the Lawsuit (the "Revised Bar Ordinance"); and

WHEREAS, Athens-Clarke County has been advised by its Police Department that a benefit of the Revised Bar Ordinance would be the separation of bar crowds from the evening/dining retail crowds, which would both reduce congestion affecting local businesses and reduce potential COVID-19 transmission that could result from said congestion; and

WHEREAS, the Bar Owners and Athens-Clarke County value the health and safety of the public and desire to encourage COVID-19 vaccinations;

WHEREAS, as a condition of Athens-Clarke County's agreement to adopt the Revised Bar Ordinance, the Bar Owners each separately agree to cooperate with the Clarke County Health Department and/or such other appropriate entities to promote and encourage COVID-19 vaccinations and co-host a Covid-19 vaccination event; and

WHEREAS, following Athens-Clarke County's review of the Bar Owners' request, the County is willing to agree to the adoption of the Revised Bar Ordinance due to the benefits identified by the Police Department in helping reduce community spread and transmission of COVID-19, due to the recent implementation of COVID-19 vaccinations, and due to the Bar Owners' agreement to promote and encourage COVID-19 vaccinations and co-host a Covid-19 vaccination event; and

WHEREAS, O.C.G.A. § 3-4-110 specifically provides that "the governing authority of every county and municipality . . . shall further have the power to promulgate reasonable rules and regulations governing the conduct of any [alcohol] licensee.. including, but not limited to the regulation of hours of business . . .";

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

SECTION 1. Section 6-3-5 entitled "General regulations pertaining to all licenses " of the Code of Athens-Clarke County, Georgia, subsection (i) entitled "Hours of operation " is deleted in its entirety and the following new subsection is inserted in lieu thereof:

"Sec. 6-3-5. — General regulations pertaining to all licenses.

(i) Hours of operation. The following hours of operation shall apply to the sale of alcoholic beverages licensed hereunder:

- (1) Class A, retail liquor package store—8:00 a.m. to 11:30 p.m., Monday through Saturday. Seasonal time changes shall be 2:00 a.m. current time;
- (2) Class B and C, retail package beer and/or wine—7:00 a.m. to 11:30 p.m., Monday through Saturday. Seasonal time changes shall be 2:00 a.m. current time;
- (3) Class D, retail liquor by the drink—Monday through Friday beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday mornings. Seasonal time changes shall be 2:00 a.m. current time;
- (4) Class E and F, retail beer and/or wine by the drink—Monday through Friday, beginning at 7:00 a.m. until 2:00 a.m. the next day; Saturday morning from 7:00 a.m. until 1:55 a.m. on Sunday mornings. Seasonal time changes shall be 2:00 a.m. current time;
- (5) Class K and L, brewer, manufacturer of malt beverages, and brew pub operator—Monday through Saturday beginning at 7:00 a.m. until 2:00 a.m. Seasonal time changes shall be 2:00 a.m. current time.
- (6) Class D, E, and F licenses for alcoholic beverages that also have a valid Sunday sales permit when New Year's Eve is on Sunday shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the licensed premises between the hours of 12:00 a.m. (midnight) and 2:30 a.m. on New Year's Day;

(7) Public entertainment facilities - Hours of operation. It shall be unlawful to keep any public entertainment facility which permits the consumption of alcoholic beverages on its premises open for business or to permit the same to be used or patronized at any time except during the hours provided in subsections (i)(3) and (4) above;

(8) Notwithstanding subparagraphs (3), (4) and (6) above, the sale of alcoholic beverages shall be lawful on Sundays from 11 a.m. until 10:00 p.m. in any licensed restaurant as defined in this Chapter and in any licensed establishment which derives at least 50 percent of its total annual gross income from the rental of rooms for overnight lodging.

(9) Notwithstanding subparagraphs (1) and (2) above, the sale of alcoholic beverages shall be lawful on Sundays between the hours of 12:30 p.m. and 11:30 p.m. in any licensed retail package store that holds a Sunday sales permit for package store.

(10) Notwithstanding subparagraphs (3), (4) and (6) above, the sale of alcoholic beverages by Class D, E, or F licensees shall be lawful from 12:30 p.m. until 12:00 midnight on one Sunday during each calendar year that shall be designated by the Commission by resolution. On such designated Sunday, Class D, E, and F licenses for alcoholic beverages shall be authorized to sell, offer for sale, serve and/or permit the consumption of alcoholic beverages upon the licensed premises between the hours of 12:00 a.m. (midnight) and 2:30 a.m. on the following Monday."

SECTION 2. Section 6-3-5 entitled "General regulations pertaining to all licenses " of the Code of Athens-Clarke County, Georgia, subsection (j) entitled "Time limit for clearing patrons from premises" part (l), is deleted in its entirety and the following new part is inserted in lieu thereof:

"Sec. 6-3-5. — General regulations pertaining to all licenses.

(j) Time limit for clearing patrons from premises:

(1) All licensed premises for the sale of retail beer and/or wine by the drink (Class E and F) or retail liquor by the drink (Class D), excluding bona fide full-service restaurants as defined below which have obtained an after-hours service permit from the Finance Director, shall be closed to the public, and the premises shall be cleared of all persons except employees of the licensed premises engaged in their employment duties within 45 minutes after the time set by subsection (i) of this section for discontinuance of the sale of alcoholic beverages on the premises. Thereafter all licensees shall remove or cause to be removed all alcoholic beverages from the area of the premises utilized by customers, patrons, and invitees; all alcoholic beverages shall be stored in original containers or storage containers on a shelf or cabinet; no alcoholic beverages shall be furnished to, consumed by, or possessed by any person within the premises; and the premises shall remain closed for business until the beginning hours of operation (7:00 a.m.) provided in subsection (i) of this section. It shall be unlawful for any person to violate any provision of this paragraph. "

SECTION 3. Section 6-3-5 entitled "General regulations pertaining to all licensees" of the Code of Athens-Clarke County, Georgia subsection (j) entitled "Time limit for clearing patrons from premises" is hereby amended by adding back parts (3) and (4), which were deleted as part of the adoption of the Settlement Agreement Bar Ordinance, as follows:

"Sec. 6-3-5. — General regulations pertaining to all licenses.

(j) Time limit for clearing patrons from premises:

(3) After-hours service permit required. Any establishment that qualifies as a bona fide full service restaurant and intends to operate after the hours for clearing patrons from the premises set forth above must obtain an after-hours service permit from the Director of Finance.

a. The applicant for a permit under this subsection shall be the alcoholic beverage licensee and shall make a written application under oath on the form as provided by the Director of Finance or his designated representative.

b. Upon application for a permit, the applicant shall pay an investigation fee of \$60.00.

c. In addition, upon application, the applicant shall provide a copy of a current state food service establishment permit issued pursuant to the requirements of O.C.G.A. section 26-2-371. No permit shall issue unless the applicant has a current, valid food service permit.

d. All permits shall be issued on a calendar basis and shall come up for renewal each year after issuance. Each applicant shall make a written application for renewal following issuance on a form approved by the Director of Finance. The \$60.00 fee shall be tendered with the application for renewal. If a permit renewal application is not filed by December 31, the permit shall be declared abandoned, and any permit thereafter shall require a new application.

e. Any person making a false statement in any application for a permit or a renewal shall be guilty of an offense and punished as provided by state law relating to false swearing, and further a permit previously granted or renewed may be revoked for the violation.

(4) It shall be unlawful for any licensee to operate after the hours for clearing patrons set forth above without a valid after-hours service permit. A conviction for a violation thereof shall be punished as provided by the Code of Athens-Clarke County section I-15, and the judge of the municipal court may revoke, suspend, or probate any permit for such violation. The administrative hearing officer may revoke, suspend, or probate any permit for such violation as provided by the Code of Athens-Clarke County section 1-5-1."

SECTION 4. This Ordinance shall become effective on Thursday, May 20, 2021, at 12:00 noon.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. A motion was made by Commissioner Densom, seconded by Commissioner Parker, to approve a program concept with respect to a partnership with the Magistrate Court to provide relief during the dispossession process with the intent of allowing residents to remain in their housing through a Dispossession Alternative and Eviction Program as per agenda report dated May 14, 2021.

Commissioner Link offered an amendment to explore alternate funding sources.

The amendment was accepted by Commissioners Denson and Parker.

A substitute motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to HOLD this item and request staff pursue funding thru Department of Community Affairs (DCA) in lieu of local funds.

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

Commissioner Myers offered an amendment to the previous amendment by Commissioner Link, to explore alternate funding sources and include potential third party partners including DCA, Georgia Legal Services and varied funding sources. The amended amendment was accepted by Commissioners Denson and Parker.

The original motion as amended by Commissioners Link and Myers passed by unanimous vote.

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

RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM

WHEREAS, on or about October 24, 2020, Jeannie Bennett ("Claimant") initiated a claim against the Unified Government of Athens-Clarke County, Georgia by the filing of an Ante Litem Notice and Demand (hereinafter, the "Claim"); and

WHEREAS, the Claim arises out of Athens-Clarke County Police Officer Marcus McQuien's alleged careless operation of his Athens-Clarke County Police Department motor vehicle on or about October 20, 2019, causing personal injuries to the Plaintiff; and

WHEREAS, in accordance with Section 1-20-1 of the Code of Athens-Clarke County, Georgia, the Unified Government has an obligation to indemnify Officer McQuien, and has done so by providing defense counsel and resolving said Litigation as set forth below; and

WHEREAS, the attorneys for the Claimant and the attorneys for the Unified Government have negotiated a resolution of the Claim; and

WHEREAS, without admitting liability or fault, the Commission finds it to be in the best interests of the Unified Government to resolve the Claim; and

WHEREAS, it is the intention and understanding of the Commission that adoption and approval of the settlement terms below shall fully and completely resolve any claims or causes of action, whether asserted or not, arising from or out of the events described in the Claim filed by Claimant;

NOW, THEREFORE, the Commission hereby resolves as follows:

SECTION 1.

The Commission does hereby approve and authorize the payment of the sum of One Hundred Forty Thousand and No/100 Dollars (140,000.00) to Claimant, and her attorneys, said amount to encompass any damages that Claimant allegedly suffered and attorney's fees.

SECTION 2.

As part of this resolution to the Claim, Plaintiff must agree that the monetary relief described above affords him complete and total relief for the claims asserted in the Claim, and any other claims, whether asserted or not, arising from or out of the events that occurred on or about October 20, 2019, and on behalf of himself, his heirs, and his assigns, forever releases and discharges the Unified Government of Athens-Clarke County, Georgia and Officer McQuien from any further claims, causes of action, judgments, damages, or costs of Litigation (including attorney's fees) arising from or out of the events that occurred on or about October 20, 2019, and must agree to dismiss his claims with prejudice at an appropriate time as set forth in a written settlement agreement or consent order.

SECTION 3.

The County Attorney and outside counsel retained for purposes of this Litigation shall have authority to prepare, or to cause to be prepared, any and all documents and court filings necessary to effectuate the resolution of the Claim as described herein, and to make such filings with the court as may be necessary or appropriate. The Mayor of Athens-Clarke County, Georgia, shall have authority to sign any documents as may be necessary or appropriate to effectuate the resolution of the Claim as described herein.

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

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND ADOPT THE MALL AREA TAD INTERGOVERNMENTAL AGREEMENT WITH THE CLARKE COUNTY SCHOOL DISTRICT; AND FOR OTHER PURPOSES.

WHEREAS, on December 31, 2021, the Unified Government of Athens-Clarke County, Georgia (the "**County**") created the Athens-Clarke County Mall Area TAD designated as "Tax Allocation District Number 1- Unified Government of Athens-Clarke County, Georgia (the "**Mall Area TAD**") pursuant to its powers as authorized by O.C.G.A. Sec. 36-44-1, *et seq.* (the "**Redevelopment Powers Law**");

WHEREAS, ON MAY 13, 2021, THE CLARKE COUNTY SCHOOL DISTRICT (THE "SCHOOL DISTRICT") APPROVED AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE SCHOOL DISTRICT AND COUNTY RELATED TO THE POSITIVE TAX ALLOCATION INCREMENTS GENERATED BY THE MALL AREA TAD (THE "MALL AREA TAD INTERGOVERNMENTAL AGREEMENT") FOR THE FOLLOWING PURPOSES:

(1) THE INCLUSION OF THE POSITIVE TAX ALLOCATION INCREMENTS DERIVED FROM THE EDUCATIONAL AD VALOREM PROPERTY TAX MILLAGE FOR REAL PROPERTY ESTABLISHED BY THE SCHOOL DISTRICT AND LEVIED BY THE COUNTY IN THE COMPUTATION OF THE REAL PROPERTY TAX ALLOCATION INCREMENTS FOR THE MALL AREA TAD (THE "MALL AREA TAD FUNDS"); AND

(2) THE CREATION OF A JOINT REDEVELOPMENT COMMITTEE COMPOSED OF MEMBERS OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA AND THE CLARKE COUNTY BOARD OF EDUCATION TO REVIEW AND APPROVE THE EXPENDITURE OR PLEDGE OF ANY MALL AREA TAD FUNDS; AND

WHEREAS, the Commission has determined that it is in the best interests of the citizens of Athens-Clarke County, Georgia to join the School District in approving and adopting the Mall Area TAD Intergovernmental Agreement;

NOW, THEREFORE, BE IT RESOLVED THAT the Commission does hereby approve and adopt the Mall Area TAD Intergovernmental Agreement, in substantially the same form as Exhibit "A" attached hereto and incorporated herein by reference.

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

BE IT FURTHER RESOLVED that in the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

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

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

7. A motion was made by Commisisoner Wright,, seonded by CommisisnerThornton, to forward to Planning Commission for consideration: Renaming of Carriage Court to Auriel Callaway Avenue. The motion passed by unanimous vote.

8. A motion was made by Commissioner Houle, seconded by Myers, to approve appointment of Dennis Smillie to the Athens-Clarke County Deferred Compensation Board for a two-year term effective July 1, 2021. The motion passed by unanimous vote.

The meeting adjourned at 8:35 p.m.

Clerk of Commission