

Due to the COVID-19 pandemic, the June 1 Mayor and Commission session will be remote. The meeting can be viewed live at [www.accgov.com/videos](http://www.accgov.com/videos), on YouTube at [www.youtube.com/accgov](http://www.youtube.com/accgov), on Facebook at [www.facebook.com/accgov](http://www.facebook.com/accgov), and on ACTV Cable Channel 180 or the live ACTV stream at [www.accgov.com/actvlive](http://www.accgov.com/actvlive)

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, June 1, 2021  
6:00 p.m.  
City Hall/WebEx

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. Commissioners Thornton and Hamby arrived at 6:10 p.m.

A motion was made by Commissioner Edwards, seconded by Commissioner Davenport, to approve Minutes of meetings of Tuesday, May 4; Tuesday, May 11; Tuesday, May 18; Monday, May 24; and Tuesday, May 25, 2021. The motion passed by unanimous vote.

Mayor Girtz entered the following appointments into the record.

#### Judicial Facility Site Selection Committee

ACC Commissioner Patrick Davenport (chair),  
David Sweat (Senior Superior Court Judge),  
Deborah Lonon (attorney),  
Kalki Yalamanchili (attorney),  
John Vodicka (resident and Courtwatch member),  
Denny Galis (SPLOST 2020 CAC member)

#### Athens Housing Authority

Valdon R. Daniel – reappointment  
Five-year term expiring 05-31-2026

Jacqueline D. Askew – reappointment  
Resident commissioner  
One-year term expiring 05-31-2022

#### Upper Oconee Basin Water Authority Proportional alternate

Hollis Terry – Interim Public Utilities Director

Public hearing #3 was conducted on the proposed FY22 budget as required by the Taxpayer Bill of Right passed by the Georgia General Assembly in 1999.

#### Public input

The following input was received.

1. Robin Whetstone – supported living wage
2. Richard Winfield - supported \$20/hour wage
3. Broderick Flanagan - supported participatory budgeting and youth programs
4. Stephanie Flores – supported living wage
5. Jill Crandall – supported independent funding for Athens Area Homeless Shelter
6. Collisa Lankford – supported programs for homeless

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

A public hearing was held on request of W. Charles Ross for FAE Clarke, LLC for rezoning from AR (Agricultural Residential) to RS-8 (PD) (Single-Family Residential Planned Development) on 233.02 acres known as Old Elberton Road. Proposed use is single-family and multi-family residential. This will require an amendment to the Future Development Map from Rural to Traditional Neighborhood. Type I

Planning Commission recommendation: Denial (unanimous)

Public input

The following public input was received.

1. Chuck Ross, petitioner – supported; requested item be tabled for 40 days
2. Hardy Edwards - opposed
3. Michael Middlebrooks - opposed
4. Jose Pagan – opposed
5. Pastor Elijah Swift, Jr. - opposed
6. Doug Griffin – opposed
7. Grant Whitworth – opposed
8. Karen Griffin – opposed
9. Chuck Ross, petitioner, requested he be allowed to withdraw the rezoning request

A motion was made by Commissioner Davenport, seconded by Commissioner Thornton, to DENY an amendment to the Future Development Map from Rural to Traditional Neighborhood on 233.02 acres known as Old Elberton Road. The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Parker, to DENY request of W. Charles Ross for FAE Clarke, LLC for rezoning from AR (Agricultural Residential) to RS-8 (PD) (Single-Family Residential Planned Development) on 233.02 acres known as Old Elberton Road. The motion passed by unanimous vote.

A public hearing was held on request of Core Spaces, LLC for Mitchell Street Properties LLC for amendment to C-D (RIV) (PD) (Commercial-Downtown, River Downtown Design Area, Planned Development) on 1.7 acres known as 155 Mitchell Street. Proposed use is multi-family. Type II

Planning Commission recommendation: Denial (8-1)

Public input

The following input was received.

1. Rodney King, petitioner – requested he be allowed to withdraw the request.
2. Charlie Maddox – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve request for withdrawal. The motion passed by unanimous vote.

A public hearing was held on renaming 200-500 blocks of Odd Street to Rosa Nell Howard Street.

Planning Commission recommendation: Approval (unanimous)

Public input

The following input was received in support of the name change.

1. Mildred Lyle
2. Fred Smith
3. Val Freeman
4. Charlie Jones
5. Reginald Johnson

6. Teresa Williams

Mayor Girtz exited the meeting and Mayor Pro tem Edwards presided for the remainder of business.

A motion was made by Commissioner Thornton, seconded by Commissioner Parker, to adopt the following ordinance (#21-06-51) 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 CHANGING THE NAME OF THE SECTION OF ODD STREET THAT RUNS FROM FLINT STREET TO FIRST STREET TO ROSA NELL HOWARD STREET; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County hereby ordains as follows.

SECTION 1. The name of the section of Odd Street that runs from Flint Street to First Street in Athens-Clarke County, Georgia is hereby changed to Rosa Nell Howard Street.

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

A public hearing was held on text amendments to code sections 9-15-27, 9-25-8, and 9-26-3 – Street renaming procedure.

Planning Commission recommendation: Approval (unanimous)

Public input

There was none.

A motion was made by Commissioner Davenport, seconded by Commissioner Parker, to adopt the following ordinances (#21-06-52, #21-06-53, and #21-06-54) which were presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ADDING SEC. 9-15-27 NAMING STREETS; AND FOR OTHER PURPOSES.**

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

SECTION 1. Chapter 9.15, General Regulations, of Title 9, Zoning and Development Standards, of the Code of Athens-Clarke County, Georgia is hereby amended by inserting a new Section 9-15-27 entitled "*Naming Streets*," as follows:

A. No street name shall be used which will duplicate or be confused with the names of existing streets in Athens-Clarke County and vicinity except for extensions of existing streets. Streets that are an extension of, or are in alignment with, existing streets shall have the same name as the existing street.

B. All requests to rename a public or private street in Athens-Clarke County shall be made in writing and directed to the attention of the Planning Director. Such request shall include:

1. A supporting petition signed by not less than 75 percent of all individuals and/or entities who own property abutting the street being considered or a recommendation from the Athens-Clarke County Mayor and Commission, with no individual and/or entity having more than one signature, regardless of the number of parcels owned;

2. The present official name of the street;

3. The proposed new name;

4. The specific location of the street or roadway;

5. The name, address and telephone number of the person requesting the name change;

6. A statement of reasons supporting the renaming request;

7. A thorough discussion regarding the history of the street, including all prior names associated therewith; and

8. An endorsement by the Mayor and the Commissioner(s) representing the district in which the street is located.

C. Requests for a street name change shall follow the Type II procedures as set forth in Chapter 9-4 of this title.

- D. Staff will provide written notification of the proposed street name change to all property owners and occupants adjacent to the street no less than ten (10) days prior to the Planning Commission meeting.

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

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SITE DESIGN STANDARDS; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 9-25-8, subsection (C) of the Code of Athens-Clarke County, Georgia entitled "Residential design standards for RM (Mixed Density), C (Commercial), IN (Institutional) and E-O (Employment-Office) Zones" is hereby amended by adding paragraph (9) which shall read as follows:

9. Proposed street names shall meet the criteria established by Section 9-15-27(A).

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

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO STREET, BLOCK AND EASEMENT STANDARDS; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 9-26-3 of the Code of Athens-Clarke County, Georgia, entitled "Street, block and easement standards," is hereby amended by replacing the words "No street name shall be used which will duplicate or be confused with the names of existing streets in Athens-Clarke County and vicinity except for extensions of existing streets. Streets that are an extension of, or are in alignment with, existing streets shall have the same name as the existing street. Street names and numbers shall conform to the establishment pattern for the Athens-Clarke County and shall be subject to the approval of the hearings board" in sub-section (K), and adding the words "Proposed street names shall meet the criteria established by Section 9-15-27(A)" so that said sub-section now reads as follows:

- K. Proposed street names shall meet the criteria established by Section 9-15-27(A).

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

A public hearing was held on text amendment to code section 9-7-3 – Maximum lot coverage in RS-25 (single-family residential)

Planning Commission recommendation: Approval – unanimous

Public input

There was none.

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, to adopt the following ordinance (#21-06-55) 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 GENERAL REGULATIONS; AND FOR OTHER PURPOSES.**

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

SECTION 1. Section 9-7-3 of the Code of Athens-Clarke County, Georgia, entitled "*General Regulations*," is hereby amended by replacing the word "zone" with the word "zones" in the sentence preceding Table 9-7-3 so that said sentence now reads as follows:

1. General regulations of the RS zones are contained in the table below:

SECTION 2. Section 9-7-3 of the Code of Athens-Clarke County, Georgia entitled "General Regulations," is hereby amended by replacing the percentage number "25%" in Table 9-7-3, row 19

("Maximum lot coverage"), column 3 ("RS-25") with the percentage number "35%" so that said Table now reads, in relevant part, as follows:

<i>Table 9-7-3</i>	<i>RS-40</i>	<i>RS-25</i>	<i>RS-15</i>	<i>RS-8</i>	<i>RS-5</i>
Maximum lot coverage	25%	35%	40%	45%	50%

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Frank Pittman/Pittman Engineering estate of Ronald Cooper for rezoning from C-N (Commercial Neighborhood) to C-G\* (Commercial General zoning with conditions) on 4.156 acres known as 4430 and 4432 Lexington Road. Proposed use is self-service storage. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

Public input

The following input was received.

1. Frank Pittman, petitioner – supported.

A motion was made by Commissioner Davenport, seconded by Commissioner Parker, to HOLD this request until Tuesday, June 15. The motion passed by unanimous vote.

Public comments on items listed under old and new business

The following input was received.

1. Dennis Holmes – needs assistance
2. Jacqueline Crumpton – supported independent agency funding for Athens Area Homeless Shelter
3. Mary Kelly – supported independent agency funding for Athens Area Homeless Shelter

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 Wright, seconded by Commissioner Link, to consent to action on the following eight items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#21-06-56) which was presented by title only allocating \$146,450 of General Fund Operating Contingency to cover deficits and remaining expenses for the Board of Elections FY21 Budget as per agenda report dated April 30, 2021.

AN ORDINANCE TO AMEND THE FY2021 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR EXPENSES RELATED TO UNFORESEEN ELECTIONS, INCLUDING THE GENERAL RUNOFF FOR THE DISTRICT ATTORNEY SEAT AND A SPECIAL CALLED ELECTION FOR THE OFFICE OF COMMISSION DISTRICT 6, AND UNEXPECTED PROCESSES OF THE STATEWIDE RECOUNT AND RISK-LIMITED AUDIT ASSOCIATED WITH THE NOVEMBER GENERAL ELECTION IN THE BOARD OF ELECTIONS DEPARTMENT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget to provide funding for expenses related to unforeseen elections,

including the General Runoff for the District Attorney seat and a special called election for the office of Commission District 6, and unexpected processes of the Statewide Recount and Risk-Limited audit associated with the November General Election in the Board of Elections Department and related expenses. Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

EXPENDITURES:

Decrease:

Other General Administration	
General Fund Contingency	\$146,450

Increase:

Board of Elections Department	
Personal Services Expense	\$123,000
Operating Expense	<u>\$ 23,450</u>
Total	\$146,450

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

2. ADOPT: The following ordinance (#21-06-57) which was presented by title only for Georgia Accountability Court Funding Program Grants – Western Judicial Circuit as per agenda report dated April 27, 2021; and
  - a) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$165,000 to continue current funding and operation of Felony Drug Court;
  - b) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$76,000 to continue current funding and operation of Treatment and Accountability Court;
  - c) Authorize Superior Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$147,000 to continue current funding and operation of Veterans Court;
  - d) Authorize State Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$82,500 to continue current funding and operation of DUI/Drug Court;
  - e) Authorize Juvenile Court to submit an application to the Criminal Justice Coordinating Council for an Accountability Court Grant in an amount of \$141,000 to continue current funding and operation of Family Dependency Treatment Court;
  - f) Authorize staff to accept the grant funds, if awarded; and
  - g) Authorize the Mayor, Superior Court Judges, State Court Judge, Juvenile Court Judge and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) ACCOUNTABILITY COURT GRANT PROGRAM FOR EXPENSES RELATED TO FELONY DRUG COURT, TREATMENT AND ACCOUNTABILITY COURT, VETERAN'S COURT, DUI/DRUG COURT AND FAMILY TREATMENT COURT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Grant Program for expenses related to Felony Drug Court, Treatment and Accountability Court, Veteran's Court, DUI/Drug Court, and Family Treatment Court. Said Operating budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

Increase:  
CJCC Accountability Grants: \$611,500

EXPENDITURES:

Increase:  
Operating Expenses:  
Superior Court- Felony Drug Court \$165,000  
Superior Court- TAC Court \$76,000  
Superior Court- Veteran's Court \$147,000  
State Court- DUI/Drug Court \$82,500  
Juvenile Court- Family Treatment Court \$141,000  
Total \$611,500

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

3. ADOPT: The following ordinance (#21-06-58) which was presented by title only; and
  - a) Authorize the submittal of an FY22 grant application in the amount of approximately \$84,490 to continue evidence-based or evidence-informed program models that have been shown to reduce juvenile recidivism as per agenda report dated April 30, 2021;
  - b) Authorize staff to accept the grant funds, if awarded; and
  - c) Authorize the Mayor, Juvenile Court Judge, and appropriate staff to execute all related documents.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE DEPARTMENT OF JUVENILE JUSTICE AND THE CRIMINAL JUSTICE COORDINATING COUNCIL COMPETITIVE GRANT PROGRAM FOR EXPENSES RELATED TO JUVENILE JUSTICE EFFORTS TO PREVENT RECIDIVISM; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Department of Juvenile Justice (DJJ) and the Georgia Criminal Justice Coordinating Council's (CJCC) Competitive Grant Program for expenses related to Juvenile Justice efforts to prevent and reduce juvenile recidivism. Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:  
DJJ/CJCC Competitive Grant \$84,490

EXPENDITURES:

Increase:  
Juvenile Court:  
Operating Expenses \$84,490

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

4. 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 274, 276, and 286 Bailey Street, Athens, Ga as per agenda report dated April 28, 2021.
5. APPROVE: Exceptions to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Services (WS-011), to allow public sanitary sewer service to be provided to 600 White Circle and 174 White Circle, Athens, Georgia, as shown on Attachment #1 of agenda report dated April 28,

2021, subject to the property owners' payment of the appropriate fees as identified under Facts and Issues No. 6 for the property.

6. APPROVE: Ultraviolet disinfection equipment purchase for the Cedar Creek Water Reclamation Facility in the amount of \$335,595 as per agenda report dated April 28, 2021, and; authorize the Mayor and appropriate staff to sign all documents related to the equipment purchase.
  
7. APPROVE: The lease agreement with State Properties Commission, for property located at 284 North Avenue as per agenda report dated April 27, 2021; and authorize the Mayor and appropriate staff to execute all necessary documents.
  
8. APPROVE: Application, and if awarded, acceptance of the \$25,000,000 RAISE Grant Program funds (North Avenue) that are anticipated to be available by US Department of Transportation (USDOT) using the USDOT application shown in Attachment #1 of agenda report dated May 5, 2021.

#### Old business – Discussion

A motion was made by Commissioner Davenport, seconded by Commissioner Wright, to HOLD until Tuesday, August 3: Ordinance Falling Shoals Drive parking prohibition. (Tuesday, April 20, 2021). The motion passed by unanimous vote.

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

- a) Approve the SPLOST 2020 Master Implementation Schedule as shown in Attachment #1 of agenda report dated April 28, 2021;
- b) Approve additional program support specialist position for the ACCGov SPLOST Program Management Division;
- c) Approve recommendation of the Athens Cultural Affairs Commission (ACAC) to designate the SPLOST 2020 Projects, as shown on Attachment #2, as appropriate for Public Art; and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Houle, to approve a commission-defined option for Old Jefferson Road sanitary sewage pump station concept.

A substitute motion was made by Commissioner Wright, seconded by Commissioner Thornton, to HOLD this item until Tuesday, June 15, 2021.

The substitute motion passed by roll call vote with Commissioners Davenport, Parker, Link, Wright, Denson, Myers, Thornton, and Hamby voting YES and Commissioner Houle voting NO. (8 YES; 1 NO)

A motion was made by Commissioner Link, seconded by Commissioner Davenport, to

- a) Approve the list of roadways and associated maintenance activities recommended for the CY21 Pavement Maintenance Program (PMP) project, as shown in Attachment #1 of agenda report revised May 14, 2021;
- b) Adopt the following project resolution, as shown in Attachment #2, authorizing the Mayor and appropriate staff to sign all related contracts, documents, and certifications associated with funding for this project;



- c) Authorize the Mayor to execute a one-year extension to the construction contract with Pittman Construction Company, Inc. for the CY21 PMP project at a cost not to exceed \$6,755,833.95; and
- d) Authorize Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

**RESOLUTION  
CY2021 PAVEMENT MAINTENANCE PROGRAM PROJECT**

**WHEREAS**, The Mayor and Commission of the Unified Government of Athens-Clarke County have specifically determined and found that it is in the public interest to perform rehabilitation on approximately **40 (Forty)** lane miles and preventive maintenance on approximately **102 (One Hundred and Two)** lane miles of locally maintained roads (hereinafter referred to as “the project”); and

**WHEREAS**, The Mayor and Commission of the Unified Government of Athens-Clarke County have further found that the project is necessary and appropriate for the protection of public safety and serves the general welfare of Athens-Clarke County.

**NOW THEREFORE BE IT HEREBY RESOLVED** that this project is authorized and approved as an official project of the Unified Government of Athens-Clarke County; and

**BE IT FURTHER RESOLVED** that the Mayor, Clerk of Commission, and Manager, or their lawful designees, are hereby expressly authorized to initiate, certify, and sign all documents and to perform all lawful acts necessary to secure funds from the State of Georgia, or the United States of America, or from any department, agency, or subdivision thereof or from any private individual or entity, to defray, in whole or in part, the cost of the said project; and

**BE IT FURTHER RESOLVED** that the Manager or his lawful designees are hereby expressly authorized to acquire appropriate interest or title to all real estate necessary for the reasonable execution of said project, by any means allowed by law including, without limitation, the exercise on behalf of the Unified Government of Athens-Clarke County, of the power of eminent domain;

**BE IT FURTHER HEREBY RESOLVED** that the Manager or his lawful designees are hereby authorized to employ or contract for the professional services of attorneys, accountants, engineers, architects, appraisers, sureties, indemnitors, actuaries, and other professional consultants necessary for the plan, design, construction, execution, and general management of the said project; and,

**BE IT FURTHER HEREBY RESOLVED** that the Manager or his lawful designees are hereby authorized to seek bids or competitive proposals in the newspaper, on radio stations and television stations, or by other means as they deem appropriate or as may be required by law; and

**BE IT FURTHER HEREBY RESOLVED** that the Mayor, Clerk of Commission, and Manager or their lawful designees are hereby authorized to execute and file all documents and certifications necessary for the proper completion of the said project.

A motion was made by Commissioner Denson, seconded by Commissioner Thornton, to TABLE until Tuesday August 3, 2021: TSPLOST 2018, Project 11 & Project 12 - Bicycle & Pedestrian Improvement Programs, Barber Street Bike & Pedestrian Improvements, Sub-Project #7 proposed project concept. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, to

- a) Approve the proposed project concept for SPLOST 2020 Project 03, Classic Center Arena as described and generally illustrated in Attachment #1 of agenda report revised May 24, 2021;
- b) Approve recommendation of the Athens Cultural Affairs Commission (ACAC) and designate SPLOST 2020 - Project 03 Classic Center Arena as appropriate for public art, as noted in Attachment #2; and,
- c) Authorize staff to advance the project to the schematic design phase in accordance with the approved project concept.

The motion passed by unanimous vote.

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

- a) Designate \$51,406 of Health, Mental Health, and Social Services Enhancement Funding to reimburse Advantage Behavioral Health for mental health services rendered during FY21; and
- b) Authorize the Mayor and ACCGov staff to execute all related contracts and documents
- c) Table to a time uncertain

Non Profit Capacity Building Pilot Program

Designation of the remaining Health, Mental Health, and Social Services Enhancement Funding in the amount of \$175,444 and re-appropriate in FY22 for the "Non-profit Capacity Building Pilot Program;"

Designation of an additional \$384,556 from the Resiliency Package Indigent Services Funding and re-appropriate in FY22 for the "Nonprofit Capacity Building Pilot Program".

Commissioner Houle proposed an amendment to hold item c) until Tuesday, September 7.

The amendment was accepted by Commissioners Hamby and Parker and the motion as amended passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Parker, to HOLD until Tuesday, June 15, 2021: Adoption of the FY22 operating and capital budgets; establishment of 2021 property tax rates; approve schedule of fees and charges for FY22, and other purposes The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to TABLE: Community benefits agreement for proposed Tax Allocation District (TAD) funding request for 2400 Lexington Road. The motion passed by unanimous vote.

#### New business – Consider under suspension of Rules

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

A motion was made by Commissioner Thornton, seconded by Commissioner Link, to

- a) Approve the 2021 LMIG Safety Action Plan (SAP) Project, as shown in Attachment #1 of agenda report dated May 18, 2021 which will partially comprise the Calendar Year 2021 (CY21) Roadway Markings and RPM's Project;
- b) Authorize the Mayor and appropriate staff to apply for the \$220,000 Local Maintenance Improvement Grant (LMIG) funds that are anticipated to be available by Georgia Department of Transportation (GDOT) in accordance with the Transportation and Investment Act using the GDOT application process identified in Attachment #2; and
- c) Authorize the Mayor and appropriate staff to sign all related application documents.
- d) Adopt the following ordinance (#21-06-59) which was presented by title only.

The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2021 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA DEPARTMENT OF TRANSPORTATION LOCAL MAINTENANCE IMPROVEMENT GRANT (LMIG) FOR A VARIETY OF ROADWAY IMPROVEMENTS; AND FOR OTHER PURPOSES.**

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Department of Transportation local maintenance improvement grant (LMIG) for a variety of roadway improvements. Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

Increase:

Local Maintenance Improvement Grant \$220,000

EXPENDITURES:

Increase:

Transportation & Public Works Department:

Capital Expenses \$220,000

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

A motion was made by Commissioner Link, seconded by Commissioner Parker, to adopt the following resolution reference Coronavirus Local Recovery Fund. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO AUTHORIZE THE EXECUTION OF THE U . S . D E P A R T M E N T O F T H E T R E A S U R Y C O R O N A V I R U S L O C A L F I S C A L R E C O V E R Y F U N D A W A R D T E R M S A N D C O N D I T I O N S ; T O A U T H O R I Z E T H E A C C E P T A N C E O F T H E R E C O V E R Y F U N D S , I N C L U D I N G A L L T E R M S A N D C O N D I T I O N S S E T F O R T H A S A C O N D I T I O N T O R E C E I V I N G T H E P A Y M E N T O F T H E R E C O V E R Y F U N D S ; A N D T O D I R E C T A N D A U T H O R I Z E T H E M A Y O R T O A C T A S T H E A U T H O R I Z E D R E P R E S E N T A T I V E O F T H E U N I F I E D G O V E R N M E N T O F A T H E N S - C L A R K E C O U N T Y , G E O R G I A I N C O N N E C T I O N W I T H T H E A C C E P T A N C E O F T H E P A Y M E N T O F T H E R E C O V E R Y F U N D S ; A N D F O R O T H E R P U R P O S E S .

**WHEREAS**, in an effort to mitigate the effects of COVID-19, the United States government has made available funding through the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund to the Unified Government of Athens-Clarke County, Georgia (the "Recovery Funds") in the following approximate amounts:

Allocation for Metropolitan Cities – Athens-Clarke County	\$32,662,051.00
Allocation for Counties – Clarke County	\$24,926,792.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Commission of Athens-Clarke County, Georgia:

**Section 1. Execution of Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions.** The Commission hereby authorizes the execution, delivery, and performance of the U.S. Department of the Treasury Coronavirus Local Fiscal Recovery Fund Award Terms and Conditions ( the "Agreement"), in substantially the same form as Exhibit "A" attached hereto, and the acceptance of the Recovery Funds; and the Commission hereby agrees to all terms and conditions contained in the Agreement.

**Section 2. Other Actions Authorized.** The Commission hereby directs and authorizes the Mayor of the Unified Government of Athens-Clarke County, Georgia or the designee of the Mayor to act in connection with the acceptance of the Recovery Funds and to provide such additional information as may be required by U.S. Treasury, OPB, federal, or state government.

**Section 3. Repealer.** All motions, orders, ordinances, bylaws, resolutions, and parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any motion, order, ordinance, bylaw, resolution, or part thereof.

**Section 4. Effective Date; Severability.** This resolution shall become effective immediately, and should the Agreement have been executed by the Mayor or designee before the effective date of this Resolution, then this Resolution shall stand as an official act of the Commission of Athens-

Clarke County, Georgia approving of such execution of the Agreement. If any section, paragraph, clause, or provision hereof be held invalid or unenforceable, the invalidity or unenforceability thereof shall not affect the remaining provisions hereof.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to adopt the following ordinance (#21-06-60) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE SEVENTEENTH 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, April 23, 2021, and again on May 28, 2021<sup>1</sup> so that it will remain in effect at least through Tuesday, June 29, 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, April 6, 2021, and again on May, 2021; and

WHEREAS, the CDC<sup>1</sup>, 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 Tuesday, June 1, 2021, Georgia now has 896,255 confirmed cases of COVID-19, including 12,894 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 18,069 individuals in Georgia have died and 63,789 have been hospitalized after contracting COVID-19; and

<sup>1</sup> 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, 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 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

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”;<sup>1</sup> 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;

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<sup>1</sup> *Athens-Clarke County v. Walton Electric Membership Corporation*, 265 Ga. 229, 230 (1995).

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 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 Friday, July 9, 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 Friday, July 9, 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](http://www.accgov.com) website; and (3) provided to any member of the public requesting a copy of this Order.

#### FROM MANAGER WILLIAMS:

1. Received for information was report of contract awards over \$10,000 for month of April 2021.
2. Received for information was a report of general fund contingency operating transfer of \$12,000 to the Coroner's Office.

Several Commissioners recognized PRIDE week and supported a return to in person meetings.

#### FROM COMMISSIONERE PARKER:

1. Stated there will be two community meetings Saturday.

#### FROM COMMISSIONER LINK:

1. Supported traffic calming measures.

#### FROM COMMISSIONER DENSON:

1. Expressed appreciation to Transportation and Public Works for yellow curb repainting.

#### FROM COMMISSIONER HOULE:

1. Announced June 12 neighborhood meeting at 125 Altarstone Drive.



2. Requested Mayor assign development of a living wage policy to committee.
3. Requested Mayor assign consideration of impact fees to committee.

FROM MAYOR PROTEM EDWARDS:

1. Expressed appreciation to Transportation and Public Works for assistance with Rutherford Street.
2. Expressed appreciation to Police Department in connection with recent robbery at his place of business.

FROM COMMISSIONER THORNTON:

1. Supported address of issues of gang violence and homelessness.
2. Supported Juneteenth celebration.
3. Expressed appreciation to Manager Williams for meeting with her constituents to hear and address concerns.

The meeting adjourned at 9:12 p.m.

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Clerk of Commission