

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, August 3, 2021
5:39 p.m.
City Hall

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, and Myers. Absent: Commissioners Thornton and Hamby.

The purpose of the meeting was to enter into executive session for discussion of real estate acquisition and/or disposal.

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

The meeting adjourned at 5:40 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, August 3, 2021
6:13 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.

A motion was made by Commissioner Myers, seconded by Commissioner Davenport, to approve Minutes of meetings of Tuesday, June 1; Tuesday, June 8; Tuesday, June 15; Monday, June 28; and Tuesday, July 20, 2021. The motion passed by unanimous vote.

Written communications

There were no written communications.

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 Houle, to consent to action on the following 16 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#21-08-69) which was presented by title only approving the installation of an all-way stop at the intersection of Atlanta Avenue and Savannah Avenue.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **ALL-WAY STOP CONTROL AT THE INTERSECTION OF ATLANTA AVENUE AND SAVANNAH AVENUE**; 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 four approaches to the intersection of Atlanta Avenue and Savannah Avenue, as shown Attachment #1, entitled "Atlanta Ave. at Savannah Ave. 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. ADOPT: The following ordinance (#21-08-70) which was presented by title only approving an all-way stop at the intersection of Boulevard and Hiwassee Avenue.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **ALL-WAY STOP CONTROL AT THE INTERSECTION OF BOULEVARD AND HIAWASSEE AVENUE**; 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 four approaches to the intersection of Boulevard and Hiwassee Avenue, as shown Attachment #1, entitled "Boulevard at Hiwassee Ave. 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.

3. ADOPT: The following ordinance (#21-08-71) which was presented by title only approving an all-way stop at the intersection of Barrow Street and Childs Street.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **ALL-WAY STOP CONTROL AT THE INTERSECTION OF BARROW STREET AND CHILDS 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 Barrow Street and Childs Street, as shown Attachment #1, entitled "Barrow St. at Childs 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.

4. ADOPT: The following ordinance (#21-08-72) which was presented by title only amending the sidewalk café ordinance as per agenda report dated June 30, 2021.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **SIDEWALK CAFES** AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-10-2 entitled "*Definitions*" of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new subsection (j), so that the new subsection is:

"Sec. 6-10-2. – Definitions.

(j) *Specialty Shop.* Any public place kept, used, maintained, and advertised and held out to the public as a place where prepared food products, desserts, or non-alcoholic beverages are prepared and served, such place being provided with an adequate and sanitary kitchen, and holding a certificate of inspection and approval from the county health department. Examples of specialty shops include coffee shops, ice cream parlors, chocolatiers, and cookie shops."

SECTION 2. Section 6-10-7 entitled "*Regulations generally*" of the Code of Athens-Clarke County, Georgia, subsection (9), is hereby amended by adding the words "or specialty shop," so that the new subsection is:

"Sec. 6-10-7. – Regulations generally.

(9) Smoking is prohibited in sidewalk cafes operated by a restaurant or specialty shop."

SECTION 3. Section 6-10-7 entitled "*Regulations generally*" of the Code of Athens-Clarke County, Georgia, is hereby modified by adding a new subsection (10), so that the new subsection is:

"Sec. 6-10-7. – Regulations generally.

(10) When maximum sidewalk café depths are identified in this ordinance, they are to be calculated based on a building average that excludes alcoves that extend back into private property. A building average is generally calculated by measuring at the most prominent fixed points on a building or store front at their corners, and approximate center in a location that is not utilized for building ingress/egress."

SECTION 4. Section 6-10-8 entitled "*Exceptions*" of the Code of Athens-Clarke County, Georgia, subsection (a), part (5), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

"Sec. 6-10-8. – Exceptions.

(a) Common area sidewalk cafes on College Square are exempt from paragraph (2) of section 6-10-7, which requires the installation of cafe dividers. Such dividers are prohibited within common area sidewalk cafes. In addition to all other provisions applicable to sidewalk cafes as provided for in section 6-10-7 herein, the following additional provisions shall apply to common area sidewalk cafes:

(5) Each table may be equipped with an umbrella that, when open, shall extend to at least the same diameter as the table it serves and shall be anchored with a weighted base. Any umbrella protruding into public space shall be positioned at a minimum height of seven feet. An umbrella may display the name or logo of the bar, restaurant, or specialty shop operating the sidewalk cafe and/or advertise a product. Each umbrella shall be maintained in good, clean, and operable condition."

SECTION 5. Section 6-10-8 entitled "*Exceptions*" of the Code of Athens-Clarke County, Georgia, subsection (c), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

"Sec. 6-10-8. – Exceptions.

(c) For sidewalk cafés operated by restaurants and specialty shops on East Clayton Street, the following provisions shall apply:

(1) When café dividers are utilized, the area permitted for a sidewalk café operated by a restaurant or a specialty shop shall not extend beyond the building side of the banding strip where present while maintaining a minimum width of five feet at all times for Americans with Disabilities Act-compliant pedestrian traffic on the sidewalk between the sidewalk café area and any fixed obstacles. Café dividers may not be anchored into the banding strip.

(2) Café dividers are optional for sidewalk cafes operated by restaurants and specialty shops.

(a) When café dividers are not utilized, the area permitted for a sidewalk café may extend to the street side of the banding strip so long as the café maintains a minimum width of four feet of Americans with Disabilities Act-compliant pedestrian traffic on the sidewalk between the sidewalk café furniture or fixtures, and any fixed obstacles.

(b) Within a twelve month period, any permitted sidewalk café that is documented to have three or more incidences of encroachment of sidewalk café furniture or fixtures beyond the street side of the banding strip, will be required to install café dividers compliant with the requirements of this ordinance if the café is to remain in operation.

(c) For sidewalk cafes operated by restaurants, alcohol may be served to, and consumed by, seated patrons only.

(d) The permittee or operator of a sidewalk café shall have the responsibility to ensure that patrons are informed that open containers of alcohol, if otherwise permitted, are not allowed outside of the permitted sidewalk café area when no café dividers are present."

SECTION 6. Section 6-10-8 entitled "*Exceptions*" of the Code of Athens-Clarke County, Georgia, subsection (d), is hereby deleted in its entirety and the following new subsection is inserted in lieu thereof:

"Sec. 6-10-8. – Exceptions.

(d) For sidewalk cafes operated by bars on East Clayton Street, the following provisions shall apply:

(1) Where an average of 36 inches of space exists between the building and the building side of the banding strip, the area permitted for a sidewalk café operated by a bar shall not extend more than four feet measured perpendicular from the face of the building, or to the building side of the banding strip where present, whichever is less, while maintaining a minimum width of five feet at all times for Americans with Disabilities Act-compliant pedestrian traffic on the sidewalk between the sidewalk café area and any fixed obstacles.

(2) Where an average of less than 36 inches of space exists between the building and the building side of the banding strip, the area permitted for a sidewalk café operated by a bar shall not extend more than six inches of the street side of the banding strip where present, while maintaining a minimum width

of four feet, for Americans with Disability Act-compliant pedestrian traffic on the sidewalk between the sidewalk café area and any fixed obstacles.

(3) Café dividers may not be anchored into or within two inches of the banding strip.

SECTION 7. Chapter 6-10 entitled “*Sidewalk Cafes*” of the Code of Athens-Clarke County, Georgia, is hereby amended by adding a new Section 6-10-14 entitled “*Administrative appeal and variances*,” so that said new section is:

“CHAPTER 6-10. – SIDEWALK CAFES

Sec. 6-10-14. – Administrative appeal and variances.

(1) The suspension, revocation, or denial of a permit shall entitle the person submitting the application or holding the permit to a hearing before the Administrative Hearing Officer within thirty (30) days of written notice from the issuing authority of suspension, revocation, or denial of a permit.

(2) Sidewalk café permit holders and applicants may request a variance review with the Administrative Hearing Officer to contest a staff ruling on sidewalk café design, spacing, or use. Such variance may be granted in such individual case of unnecessary hardship upon deliberation of the evidence and a finding by the Administrative Hearing Officer that:

(a) There are extraordinary and exceptional conditions pertaining to the particular sidewalk café in question because of right-of-way, building or sidewalk size, shape, character, or topography that do not apply generally to other cafés in the vicinity; and

(b) The strict application of the provisions of this title to this particular café would create an undue and unnecessary hardship so that the grant of the variance is necessary for the preservation and enjoyment of a sidewalk café and not merely to serve as a convenience to the applicant; and

(c) The special conditions and circumstances do not result from the actions of the applicant; and

(d) The variance, if granted, does not conflict with the Americans with Disabilities Act; and

(e) The benefits of granting the variance will be greater than any negative impacts and will further the purpose and intent of this title and the comprehensive plan of Athens-Clarke County.

(3) No petition for the same variance involving the same applicant once heard and acted upon by the Administrative Hearing Officer shall be accepted for a rehearing until the expiration of at least 12 months immediately following the previous decision.

SECTION 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. a) ADOPT: The following ordinance (#21-08-73) which was presented by title only amending the FY22 Annual Operating and Capital Budget for Athens-Clarke County, Georgia so as to provide grant funding for the construction of TSPLOST 2018 Project 01 Airport Capital Improvements Sub project #3 Taxiway "A" at the Athens-Ben Epps Airport as per Attachment #1 of agenda report revised July 27, 2021;

b) APPROVE: A change order with Astra Group, LLC for the Taxiway “A” (SP #3) Project to add the reconstruction and additional work to complete Schedule B portion of project as shown on Attachment #2 and as described in the Facts and Issues #4 in a not-to-exceed amount of \$6,080,185; and,

c) AUTHORIZE: The Mayor 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 FEDERAL AVIATION ADMINISTRATION (FAA) AND THROUGH THE GEORGIA DEPARTMENT OF TRANSPORTATION(GDOT)FOR EXPENSES RELATED TO REHABILITATION AND OVERLAY OF THE TAXIWAY & CONNECTING TAXIWAYS, PHASE 2 AT THE ATHENS-BEN EPPS AIRPORT; 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 Federal Aviation Administration

(FAA) and through the Georgia Department of Transportation (GDOT) for expenses related to rehabilitation and overlay of the taxiway & connecting taxiways, Phase 2 at the Athens-Ben Epps Airport.

Said Operating & Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

FAA/GDOT Aviation Programs Grant: \$6,014,172

EXPENDITURES:

Increase:

Taxiway Reconstruction &
Realignment Project \$6,014,172

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

6. APPROVE: Updates to the Transit System Substance Abuse Policy as noted in Attachment #1 of agenda report dated July 14, 2021 to maintain compliance with the United States Department of Transportation (U.S.DOT) Workplace Drug and Alcohol Testing Programs.
7. APPROVE: Transfer of twelve mobile data terminals (MDTs) and vehicle computer mounts to the Watkinsville Police Department and authorize appropriate staff to execute all documentation prudent to allow for the permanent transfer of such equipment to the custody of the City of Watkinsville as per agenda report dated May 26, 2021.
8. APPROVE: An exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Service, to allow public water service to be provided to 0 Barnett Shoals (parcel 262 006), Athens, Georgia, as shown on Attachment #1 of agenda report dated June 29, 2021 subject to the property owners' payment of the appropriate fees as identified under Facts and Issues No. 6 for the property.
9. 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 255 Spring Valley Road as per Attachment #1 of agenda report dated June 29, 2021.
10. APPROVE: a) Award a purchase contract to Samson Equipment Company in the amount of \$111,300 for one mini-packer vehicle for use by the Solid Waste Department's Collection Division; as per agenda report dated July 7, 2021.
 - b) Declare one mini-packer (30-20-528) as surplus and authorize the sale of the surplus solid waste collection vehicle; and
 - c) Authorize the Mayor and appropriate staff to execute all documents related to the purchase.
11. APPROVE: a) Additive change order #2 in the amount of \$249,382 to the project management/resident inspection contract to CH2M, for the provision of professional services during construction for the Upper North Oconee (UNO) Interceptor Project, Phase 2B as per agenda report dated June 30, 2021;
 - b) AUTHORIZE: A net change to the project appropriation of \$200,782;
 - c) AUTHORIZE: A net change to the project time in the amount of 117 days; and
 - d) AUTHORIZE: The Mayor and appropriate staff to execute all related change order documents.

12. APPROVE: a) The project concept for SPLOST 2020 Project 27 - Sub-Project #1, as listed in Facts and Issues #9, (FY22 Annual Work Program of Facility Equipment/Systems Replacement projects, including primary and alternative initiatives); as per agenda report dated June 25, 2021;
 - b) Authorize staff to advance the project concept for Sub-Project #1 directly to the bid and award phase; and,
 - c) Authorize the Mayor and appropriate staff to execute all related documents.

13. APPROVE: The temporary closure of Pope Street from Hill Street to Prince Avenue as shown on Attachment #1 of agenda report dated June 14, 2021.

14. APPROVE: a) An appropriation in the amount of \$6,345,836 for the Upper North Oconee Interceptor Project Phase 2C as per agenda report dated June 30, 2021;
 - b) AWARD: A unit price construction contract to the apparent low bidder, Site Engineering, Inc., in the amount of \$5,472,225;
 - c) AWARD: A project management/resident inspection contract to Public Utilities Department's On-Call Consultant, Jacobs Engineering, for the provision of professional services during construction in the amount of \$600,000 and;
 - d) AUTHORIZE: Staff to approve project change orders that do not collectively exceed the overall appropriation of \$6,345,836; and
 - e) AUITHORIZE: The Mayor and appropriate staff to execute all related contract documents.

15. APPROVE: The purchase of four HPE/Simplivity Gen 10 Servers (nodes), software, licensing and professional services through state contract to Corus 360, an authorized reseller, in the amount not to exceed \$452,261.22 as per Attachment #1 of agenda report dated July 9, 2021; and authorize the Mayor and appropriate staff to execute all related documents.

16. AUTHORIZE: Staff to negotiate a revised final Guaranteed Maximum Price (GMP) agreement for construction (Phase II) for the TSPLOST 2018 Project 05 and SPLOST 2011 Project 09 - Oconee Rivers Greenway Project – Sub-Project #2 with Astra Group, LLC not to exceed the available construction project budget of \$3,187,900 to include the general conditions and a construction services fees as per agenda report revised July 26, 2021; and authorize the Mayor and appropriate staff to execute all related documents.

Citizen input

The following citizen input was received.

1. Joseph Carter – supported civil rights legislation
2. Sandra Metts – opposed homeless encampment
3. John Gurley – opposed homeless encampment
4. Gordon Rhoden – opposed homeless encampment
5. Richard Boone – supported partnership with food bank
6. Darrell Goodman – supported partnership with food bank
7. Allen Corley – opposed homeless encampment
8. Steve Middlebrooks – opposed homeless encampment
9. Cshanyse Allen – supported internal auditor
10. Charlie Barrow – opposed Morton Avenue parking prohibition
11. Del Wideman – opposed Covid 19 mandate for ACCGov employees
12. Joe Block – opposed homeless encampment
13. Broderick Flanigan – supported fair labor practices and internal auditor
14. Steve Everette – opposed homeless encampment
15. Susan Monteverde – opposed homeless encampment
16. Jamie Scott – homeless encampment should be discussed more

17. Laura McHugh – opposed homeless encampment
18. Suzanne Yeager – opposed homeless encampment
19. Cameron Harrelson – supported discrimination ordinance
20. Marilyn Emerson - opposed Covid 19 mandate for ACCGov employees
21. Jill Helme - alcohol ordinance should include larger special events
22. Mara Zuniga – opposed homeless encampment
23. Knowa Johnson – supported homeless encampment
24. Nancy Everette – opposed homeless encampment
25. John Montarella – opposed homeless encampment
26. Joan Rhoden – opposed homeless encampment
27. Sarah Gehring – supported homeless encampment
28. Graham Jarboe – supported homeless encampment
29. John – supported homeless encampment
30. Reverend Ortiz – opposed homeless encampment
31. Chase Lawrence – opposed homeless encampment
32. Laura Patterson – supported homeless encampment
33. Lane Pratt – supported homeless encampment
34. Mokah Jasmine Johnson – supported civil rights ordinance
35. Travis Williams – supported homeless encampment
36. Stephanie Flores – supported homeless encampment and affordable housing programs
37. Allen Jones – supported discrimination ordinance

Old business – Discussion

A motion was made by Commissioner Thornton, seconded by Commissioner Myers, to reorder the agenda to consider item #30 homeless encampment and #28 opportunities for local civil rights legislation to the front of old business discussion. The motion passed by unanimous vote.

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

- a) Approve the North Athens School on Barber Street (Tax Parcel ID: 163A1 A002) as the site to house a temporary sanctioned homeless encampment – for an operational period of 22 months, or June 30, 2023 as per agenda report dated July 29, 2021;
- b) Authorize issuance of an RFP to identify a third party operator(s) for the encampment for turnkey services, including case management;
- c) Approve a budget amendment allocating up to \$250,000 of General Fund Capital Contingency to the Central Services Department to begin site improvements to host such activity as per Attachment #1;
- d) Approve a budget amendment allocating \$50,000 of General Fund Capital Contingency to the Housing and Community Development Department to facilitate a comprehensive homeless services strategic plan to inform future steps, prioritization and resourcing as per Attachment #1;
- e) Authorize the Mayor and appropriate staff to execute all necessary project-related documents.

A substitute motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to allocate \$50,000 to the strategic plan as outlined in the agenda report and direct staff to engage with previous service providers of indigent services to target the unhoused with particular focus on the CSX site.

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)

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

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

There was a tie roll call vote on the original motion with Commissioners Parker, Link, Denson, Houle, and Myers voting YES; and Commissioners Davenport, Wright, Edwards, Thornton, and Hamby voting NO. (5 YES; 5 NO) Mayor Girtz broke the tie with a vote of YES. The following ordinance (#21-08-74) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR EXPENSES RELATED TO SITE IMPROVEMENTS FOR A HOMELESS ENCAMPMENT AND A HOMELESS SERVICES STRATEGIC PLAN; 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 Capital Projects Fund to provide funding for expenses related to site improvements for a homeless encampment and a homeless services strategic plan. Said Operating and Capital budget is hereby amended as follows:

General Capital Projects Fund

EXPENDITURES:

Decrease:

Other General Administration	
Capital Contingency	(\$300,000)

Increase:

Capital Expenses	
Central Services - Homeless Encampment	\$250,000
HCD – Homeless Services Strategic Plan	<u>\$50,000</u>
Total	\$300,000

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

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to adopt ordinance for local civil rights as recommended by the Legislative Review Committee with the following directive and changes.

ADD: Direct the Mayor to assign to Legislative Review Committee the task of developing details for an Athens Community Human Rights Committee (or another suitable name) in the next 60 days. The new Committee details will return to the Mayor and Commission for public input considerations and to be added to the Athens-Clarke County Boards, Authorities and Commissions and those processes.

REWORD: 6-21-2 Definitions: (1) “Familial status” means an individual's past, current, or prospective status as a parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.

REWORD: 6-21-2 Definitions: (15) “Sexual orientation” means actual or perceived sexuality, homosexuality, heterosexuality, or bisexuality.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Link, to adopt ordinance as recommended by the Legislative Review Committee.

Attorney Drake requested an amendment to both motions to revise Section 6 to read as follows.

SECTION 6

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Notwithstanding the foregoing, all provisions of Title 9 of the Code of Athens-Clarke County, Georgia related to Zoning and Development Standards are hereby saved from repeal and shall remain in full force and effect. For purposes of the provisions of this Ordinance as set forth above, the terms Chapter and Ordinance may be used interchangeably herein.

The amendment was accepted by makers of both motions.

Following discussion a motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to call the question. The motion passed by unanimous vote.

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

The original motion passed by unanimous vote and the following ordinance (#21-08-75) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ATHENS-CLARKE COUNTY, GEORGIA, BY ADOPTING A NEW CHAPTER 6-21, "**UNLAWFUL DISCRIMINATION**" IN TITLE 6 "LICENSES AND BUSINESS REGULATION" AND FOR OTHER LAWFUL PURPOSES

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County are authorized by the Charter of Athens-Clarke County to provide for the safety, health, safety, peace, security, and general welfare of the community members and visitors of Athens-Clarke County;

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County is committed to taking consistent action to expand inclusion, diversity, and equity throughout Athens-Clarke County;

WHEREAS, the Unified Government is committed to building an Athens-Clarke County where every community member and visitor belongs by prioritizing inclusion, diversity, and equity throughout government policies, processes, and decision-making;

WHEREAS, the Mayor and Commission find that building an Athens-Clarke County where every community member and/or visitor belongs requires the establishment and enforcement of laws that support inclusion, diversity, and equity for all community members and visitors in business dealings throughout this jurisdiction;

WHEREAS, the Mayor and Commission find that discrimination in the business dealings of its community members and/or visitors harms the persons involved, impairs the ability of the Unified Government to attract new businesses and new community members and visitors, and is inconsistent with the Unified Government's goal to embrace inclusion and diversity while taking action to increase equity;

WHEREAS, the Unified Government was founded in part on a principle of non-discrimination with an emphasis on encouraging meaningful involvement in its operations by all of its community members and visitors, particularly those who are members of a minority, marginalized, or other traditionally disadvantaged group;

WHEREAS, the Mayor and Commission find that the 14th Amendment to the United States Constitution provides for the equal protection of all citizens under the laws of the several states and of the United States, and thereby empowers the Unified Government to take action to provide protection to all persons within Athens-Clarke County;

WHEREAS, the State has expressly delegated to the Unified Government of Athens-Clarke County in its Charter the power to regulate, through its police powers, matters that touch the health, safety, and welfare of the general public;

WHEREAS, the Mayor and Commission expressly finds that it should be subject to the same rules and same policies that it expects its community members, visitors, and businesses to follow;

WHEREAS, in order to protect and promote the public health, safety, welfare, and prosperity of Athens-Clarke County, it is important for the Unified Government to ensure that all persons within Athens-Clarke County have equal access to employment, housing, and public accommodations;

WHEREAS, the Mayor and Commission therefore finds it advisable and necessary to prohibit certain instances of discrimination where the Unified Government's authority is not preempted by Federal or State law or the alleged discrimination is not subject to other remedies under Federal or State law;

WHEREAS, the Mayor and Commission specifically find it advisable and necessary to prohibit businesses licensed or permitted by the Unified Government to conduct business in Athens-Clarke County from discriminating against employees, community members, visitors, and members of the public; and

WHEREAS, the County acknowledges and relies upon the statement by the Supreme Court of Georgia in *McKinney v. City of Atlanta*, that the County "has the authority to enact anti-discrimination laws under its general police power."

NOW THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia, hereby ordains and orders that the Code of Ordinances of Athens-Clarke County shall be amended as follows:

SECTION 1

Title 6, Licenses and Business Regulations, of the Code of Ordinances of Athens-Clarke County shall be amended by adding a new Chapter 6-21, titled "Unlawful Discrimination," which chapter shall read as follows:

CHAPTER 6-21. UNLAWFUL DISCRIMINATION

Sec. 6-21-1. Purpose and Intent. It is the purpose and intent of the Mayor and Commission of Athens-Clarke County to protect and safeguard the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran/military status. The Mayor and Commission's purpose in enacting this ordinance is to promote the public health and welfare of all persons who live and work in Athens-Clarke County. It is important for the Unified Government to ensure that all persons within Athens-Clarke County have equal access to employment, housing, and public accommodations.

Sec. 6-21-2. Definitions. For the purposes of this ordinance, the following terms shall have the following meanings:

- (1) "Age" means an individual's status as having obtained forty or more years of age.
- (2) "Business" means any person or entity conducting business within Athens-Clarke County, which is required to obtain a license or permit, or who obtains any benefit from the Unified Government including, but not limited to a land disturbance or building permit, variance, rezoning, tax abatement, or other tangible benefit provided for by the Unified Government.
- (3) "Discriminate, discrimination, or discriminatory" means any act, policy, or practice that has the effect of subjecting any person to differential treatment as a result of that person's actual or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.
- (4) "Employee" means any individual employed by or seeking employment from an employer, excluding any individual employed by his or her parents, spouse, or child.
- (5) "Employer" means a person or entity who employs one or more employees in Athens-Clarke County, or any agent of such person. This definition shall include the Unified Government of Athens-Clarke County.
- (6) "Familial status" means an individual's past, current, or prospective status as a parent or legal guardian to a child or children below the age of eighteen (18) who may or may not reside with that individual.
- (7) "Gender identity" means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) "Marital status" means an individual's past, current, or prospective status as single, married, domestically partnered, in a civil union, divorced, or widowed.
- (9) "National origin" means an individual's, or an individual's ancestors', place of origin.
- (10) "Place of public resort, accommodation, assemblage, or amusement" means any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds.
- (11) "Religion" means all aspects of religious belief, observance, and practice.
- (12) "Religious organization" means an entity which conducts regular worship services or is qualified as a religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, that is not required to file IRS Form 990, return of Organization Exempt from Income Tax, under any circumstances.
- (13) "Respondent" means the person or business alleged to have violated this Chapter.

(14) "Retail establishment" means an entity or business physically located in Athens-Clarke County that serves the general public by providing products or services to the final end user or consumer, and shall include (but is not limited to) restaurants or other businesses selling prepared food to customers, whether on premises or remotely.

(15) "Sexual orientation" means actual or perceived sexuality, homosexuality, heterosexuality, or bisexuality.

(16) "Veteran/military status" means an individual's status as one who serves or served in the uniformed services, military, naval, or air service, and who was discharged or released under conditions other than dishonorable.

Sec. 6-21-3. Civil Rights Declared. The right of an otherwise qualified person to be free from discrimination because of that person's actual or perceived race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran/military status is recognized as and declared to be a civil right. This right shall include, but not be limited to, all of the following:

(1) The right to obtain and hold employment and the benefits associated therewith without discrimination.

(2) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement without discrimination.

(3) The right to be served or receive service at retail establishments without discrimination.

(4) The right to engage in property transactions, including obtaining housing for rental or sale and credit therefor, without discrimination.

(5) The right to exercise any right granted under this ordinance without suffering coercion or retaliation.

Sec. 6-21-4. Exceptions. Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec. 6-21-3 of this Chapter and shall not form the basis of a Complaint under Sec. 6-21-5:

1) A religious organization that employs an individual of a particular religion to perform work connected with the organization who insists that the employee adhere to the tenets of the religious organization as a condition of employment.

2) An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system, which is not a pretext to evade the purposes of this ordinance.

3) A business is not required to hire or retain unqualified or incompetent personnel.

4) This ordinance does not prohibit an employer from requiring an employee, during the employee's hours at work, to adhere to reasonable and equitable dress or grooming standards not prohibited by other provisions of Federal, State or local law, provided that all employees are permitted to dress in a manner consistent with their gender identity.

5) This ordinance shall not apply to a bona fide nonprofit private club.

6) A business is not required to make changes to any existing facility that would require a building permit, except as otherwise required by law.

7) This ordinance does not prohibit a religious organization from limiting its non-commercial accommodations, advantages, facilities, membership, and privileges to persons of the same religion.

8) This ordinance shall not be construed in such a way as to violate any person's rights under the United States Constitution or the Georgia Constitution.

Sec. 6-21-5. Enforcement. Subject to the procedures developed by the Unified Government, the Unified Government shall receive, initiate, investigate, seek to conciliate, hold hearings, on and/or pass upon complaints alleging violations of this ordinance.

- (1) Any person who believes they have been aggrieved by an alleged breach or violation of Sec. 6-21-3 of this Chapter may file a complaint with the County Attorney on a form to be provided by the Unified Government. The complaint form shall include the full name of the complainant, the identity and address of the alleged violator, a description of the actions alleged to constitute a violation of this Chapter, and verification by the complainant under oath that the allegations of the complaint are true.
- (2) Any such complaint must be filed within ninety (90) calendar days of the alleged act of discrimination.
- (3) The County Attorney or his or her designee will be responsible for conducting an initial inquiry into the allegations of the complaint and attempting to negotiate a conciliatory resolution to the complaint. If those efforts are not successful within 30 days of the filing of the complaint and the County Attorney finds reasonable grounds that such unlawful conduct occurred, the County Attorney will certify that their efforts have not resolved the complaint, and the written complaint will be delivered to the Athens-Clarke County Police Department for personal service on the respondent to institute an administrative action pursuant to Section 1-5-1 of the Code of Athens-Clarke County. The County Attorney is authorized to utilize alternative enforcement measures, including without limitation, informal mediation and entry of negotiated consent orders. If the Attorney does not find reasonable grounds that such unlawful conduct occurred, the Attorney shall notify the claimant in writing, and the claimant shall have the right to institute an administrative proceeding with respect to such determination pursuant to Section 1-5-1 of the Code of Athens-Clarke County.
- (4) Upon receipt, the Chief of Police or his or her designee shall cause the complaint and a summons to be personally served on the respondent within fourteen (14) business days of receipt by their office of a properly filed complaint. The summons shall direct the respondent to appear before the Administrative Hearing Officer of Athens-Clarke County, pursuant to Sec. 1-5-1 of the Code of Ordinances of Athens-Clarke County, on a date and time certain for a hearing. In the event the Chief of Police or their designee is unable to have the complaint and summons personally served on the respondent within fourteen (14) business days, the Chief of Police or their designee shall continue to attempt service on a regular basis until such time as the respondent is served or, if service cannot be effected after reasonable diligence, until sixty (60) calendar days from the date the complaint is filed. If service cannot be perfected in that time, service shall be accomplished by leaving the complaint posted to the door of the location identified in the business license records of the Unified Government so that the notice is clearly visible and notorious. Such posting shall constitute actual notice and service under this section.
- (5) The respondent may file with the Administrative Hearing Officer an answer to the complaint at any time prior to the hearing. If the respondent intends to rely upon any Exception under Sec. 6-21-4, the respondent shall provide written notice to the complainant and the Administrative Hearing Officer no less than 3 business days before the hearing scheduled in the matter of the exception being relied upon.
- (6) Prior to the hearing, the Administrative Hearing Officer shall review the complaint and answer, if any, to determine: (1) whether the complaint is in conformity with the requirements of this Chapter; and (2) whether the proceeding is preempted by Federal or State law. Upon such determination, the Administrative Hearing Officer shall enter a written order, expressly stating the foregoing determinations and either dismissing the complaint or proceeding with the scheduled hearing of the matter on the merits of the alleged violation.
- (7) The Georgia Rules of Evidence shall inform, but need not control, the introduction of evidence before the Administrative Hearing Officer.
- (8) Each side to the complaint shall have the ability to compel the attendance of witnesses by subpoena issued by the Administrative Hearing Officer.
- (9) The complainant shall have the burden of proof, which must be established by a preponderance of the evidence, except for the application of any exceptions under Section 6-21-4, upon which the respondent shall bear the burden of proof, also by a preponderance of the evidence.
- (10) Each side shall be entitled to representation by counsel of their choice at their own expense.
- (11) The losing party shall have the right to appeal to the Superior Court of Athens-Clarke County pursuant to a writ of *certiorari*.

Section 6-21-6. Unified Government Contracting. The Unified Government shall require its vendors and contractors to abide by this Chapter and shall require, as a part of the contracting process an affirmation by the vendor or contractor that it will abide by and be bound by this Chapter and that it will

require any and all subcontractors operating pursuant to the contract with the Unified Government to abide by and be bound by this Chapter.

Section 6-21-7. Penalty.

(1) Any person or business found by the Administrative Hearing Officer to have violated any provision of this Chapter shall be subject to a civil penalty of \$1,000 for each violation.

(2) Any business penalized three (3) times under this Chapter shall lose their right to operate in Athens-Clarke County. The County Attorney or his or her designee shall expressly inform the respondent within 30 days of the time a third complaint under this Chapter is received by the County Attorney that the business runs the risk of the loss of their business license (and any other licenses issued by the Unified Government) upon a finding of a violation of this Chapter.

(3) Nothing in this Chapter shall prohibit or impair the Unified Government from combining the hearing called for in this Chapter with other administrative procedures called for under the Code of Ordinances of Athens-Clarke County or the laws of the State of Georgia.

Section 6-21-8. Voluntary Mediation.

(1) Within fourteen (14) business days of the County Manager's receipt of a properly filed complaint, the County Attorney shall provide complainant and respondent, in writing, with notice of and instructions regarding the County's voluntary mediation program for discrimination complaints, such notice to be sent to ensure delivery to the recipient.

(2) Upon written request of the complainant and/or the respondent, the County Attorney or their designee shall provide the services of a private mediator to conduct non-binding mediation between the complainant and the respondent. The mediator shall be recommended by the County Attorney from a list of qualified mediators. Such mediation services shall be paid by the parties, sharing equally. The mediation shall be completed, and the County Attorney notified by the mediator of the result within thirty (30) days of referral to the mediator.

(3) Any mediation hereunder shall be conducted in accordance with procedures established by the mediator.

(4) The enforcement proceeding before the Hearing Officer shall be stayed during the time that the matter is referred to mediation.

Sec. 6-21-9. No Private Claim Created. Other than as provided in this Chapter, no other substantive right, claim, or remedy against any person or entity shall be created by this Chapter.

Sec. 6-21-10. Other Remedies Preserved. This ordinance shall not be considered exclusive and may not be construed to limit any other rights, privileges, or remedies available to either party to the dispute under local, state, or federal law.

SECTION 2

This ordinance shall take effect immediately after passage.

SECTION 3

The County Manager, in collaboration with the Inclusion Office, is authorized to develop such policies and procedures as are necessary to give effect to this Ordinance. The policies or procedures authorized by this Chapter shall be created as soon as practicable and may be amended as necessary to give effect to this Ordinance.

SECTION 4

The Athens-Clarke County Public Information Office shall create and implement a program to inform community members, visitors, and businesses of this Ordinance, to include direct mail information to all businesses holding an Athens-Clarke County occupation tax certificate (AKA a "business license"), as determined by the Athens-Clarke County Finance Department, and any entity doing business with the Unified Government.

SECTION 5

(a) It is hereby declared to be the intention of the Mayor and Commission of the Unified Government of Athens-Clarke County that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Mayor and Commission to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Commission of the Unified Government of Athens-Clarke County that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Commission that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Commission of the Unified Government of Athens-Clarke County that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 6

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Notwithstanding the foregoing, all provisions of Title 9 of the Code of Athens-Clarke County, Georgia related to Zoning and Development Standards are hereby saved from repeal and shall remain in full force and effect. For purposes of the provisions of this Ordinance as set forth above, the terms Chapter and Ordinance may be used interchangeably herein.

Clerk's note: The initial drafted ordinance was designated as Chapter 6-20 of the Code of Athens-Clarke County, Georgia. However, Chapter 6-20 entitled Wireless Facilities and Antennas was already in place. The foregoing ordinance was reassigned as Chapter 6-21.

A motion was made by Commissioner Parker, seconded by Commissioner Hamby, to approve Community Events Program funding request for FY22 as per agenda report revised July 29, 2021 with the following amendment.

Allocate an additional \$8825 from Hotel-Motel Tax Account Balance to fund the Hot Corner Festival, MLK Day Parade, Swadeshi Black Market & Caribbean Festival, and Athens Pride at their full requested amounts, indicated in Column C below, for FY22, and otherwise approve the ADDA Community Events Program Funding Request for FY22 as indicated in Attachment #1 in the agenda item.

Funding Source: Hotel-Motel Tax Account Balance

Expenditures: \$73825 (\$8825 for Additional CEP Funding)

A	B	C	D
Event Name	ADDA Recommended Amount	Full Request Amount	Difference
Hot Corner Festival	\$8000	\$11000	\$3000
MLK Day Parade	\$4000	\$4500	\$500
Swadeshi Black Market & Caribbean Festival	\$2000	\$5000	\$3000
Athens Pride	\$3000	\$5325	\$2325
Total			\$8825

The motion passed with nine YES votes. Commissioner Wright was temporarily absent.

A motion was made by Commissioner Link to approve SPLOST 2020 - Project 03 Classic Center Arena – Hickory Street property land use as per agenda report revised July 30, 2021 with the addition of two community stakeholders. The motion died for lack of a second.

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to HOLD this item until Tuesday, August 17, 2021. The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Edwards, to HOLD until Tuesday, August 17, 2021: Falling Shoals parking prohibition. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Edwards, to HOLD until Tuesday, September 7, 2021: Morton Avenue parking prohibition. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Thornton, to adopt the following ordinance (#21-08-76) which was presented by title only amending Section 6-5-3 of the Code of Athens-Clarke County, Georgia, to establish a fee for emergency review of special events applications as per attachment #1 of agenda report dated June 30, 2021. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SPECIAL EVENTS AND FOR OTHER PURPOSES.

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

SECTION 1. Section 6-5-3 entitled "*Application; fee*" of the Code of Athens-Clarke County, Georgia, subsection (c), is hereby amended by adding the sentence "If an application is submitted because extraordinary circumstances may justify an emergency issuance of a permit as outlined in Section 6-5-8, and there are fewer than 60 days between the submittal and the date of the event, the nonrefundable application fee shall increase to \$150.00" so that the new subsection is:

"Sec. 6-5-3. – Application; fee.

(c) A nonrefundable application fee of \$25.00 shall be paid at the time the application for a permit is filed. Such fee shall be payable to Athens-Clarke County by cash, money order, or cashier's check. If an application is submitted because extraordinary circumstances may justify an emergency issuance of a permit as outlined in Section 6-5-8, and there are fewer than 60 days between the submittal and the date of the event, the nonrefundable application fee shall increase to \$150.00.

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

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to approve exemption of the water and wastewater connection fees of \$17,200 at 853 Reese Street based on Athens Land Trust providing additional affordable housing resources of substantial benefit to the Athens-Clarke County community as per agenda report dated June 29, 2021; and authorize Mayor and ACCGov staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards to approve request for exception to Policy/Procedure Statement WS-011: Water and/or Sanitary Sewer Service for 197 and 199 North Rocksprings Street. The motion died for lack of a second.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to TABLE this request. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to approve the proposed project concept for SPLOST 2011 Project 31 -Sub-Project #6 for Boulevard between Chase Street and Barber Street; and approve four proposed speed tables as traffic calming measures for Boulevard to be funded by the Neighborhood Traffic Management Program (NTMP), as shown in Attachment #1 of agenda report revised July 21, 2021. The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to table until an uncertain date: SPLOST 2011 Project 26 – Road and Bridge Improvement/General Intersections - Hawthorne Avenue at Oglethorpe Avenue, Sub-Project #3 preliminary plans. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to approve with reference SPLOST 2020 Project 02 – Affordable Housing: the proposed intergovernmental agreement as per Attachment #1 of agenda report revised July 28, 2021 with the Athens Housing Authority for the demolition, design and installation of horizontal infrastructure, and project management to create buildable city blocks to support mixed-income housing and mixed-use redevelopment as outlined in the project concept; and authorize the Mayor and appropriate staff to execute all necessary documents. The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, with reference to SPLOST 2020 Project 02 – Affordable Housing – Phase 1 infrastructure proposed preliminary plans.

- a) Approve the proposed preliminary plans for phase I demolition and the installation of horizontal infrastructure as per Attachment #1 of agenda report revised July 28, 2021 to create a buildable city block to support 120 units of mixed income housing (80 affordable units), including a public park that manages regional stormwater and new public street alignments;
- b) Authorize staff to advance phase I of the preliminary plans to complete the construction documents and the bid and award phase;
- c) Approve recommendation of the Athens Cultural Affairs Commission (ACAC) and designate SPLOST 2020 Project 02 Affordable Housing as appropriate for public art, as noted in Attachment #2; and
- d) Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to return to the Legislative Review Committee for further review and action on Tuesday August 10, 2021: Recommendations regarding current alcohol serving opportunities for special events on public properties and public rights-of-way. The motion passed by unanimous vote.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to approve the proposed intergovernmental agreement as per Attachment #1 of agenda report dated July 20, 2021 with the Athens Housing Authority (AHA) involving the allocation of \$20,000 for AHA to procure a “Missing Middle” study; and authorize the Mayor and appropriate staff to execute all necessary project related documents. The motion passed by unanimous vote.

New business – Consider under suspension of Rules

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

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

- a) Authorize the submittal of an FY22 grant application to the Department Community Affairs in the amount up to \$3,500,000 on behalf of the Food Bank of Northeast Georgia (FBNE) as per agenda report dated July 30, 2021;
- b) Approve a memorandum of understanding that will accompany the application effort and eventual grant and project administration, if awarded as per Attachment #1; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Edwards, to approve the following Nominating Committee report for appointments to various boards, authorities, and commissions. The motion passed by unanimous vote.

Athens-Clarke County Library Board	Steven Mason Partial term expiring 12-31-2024
Athens Downtown Development Authority	B. J. Hardy (business owner) – reappointment Two-year term expiring 07-31-2023 Dexter Weaver (property owner) – reappointment Two-year term expiring 07-31-2023
Department of Behavioral Health and Developmental Disabilities Region 2 Advisory Council	Jill Gambill -reappointment Three-year term expiring 06-30-2024
Development Authority of the Unified Government of Athens-Clarke County	Alan Cleveland Four-year term expiring 06-30-2025
Division of Family and Children Services	Gail Kurtz Five-year term expiring 06-30-2026 Jeff Turner – reappointment Five-year term expiring 06-30-2026 Algernon Acey Five-year term expiring 06-30-2026
Vision Committee	Antonio Garcia Partial term expiring 06-30-2022 Everard Rutledge Three-year term expiring 06-30-2024 Anjoua Myers Three-year term expiring 06-30-2024 Susan Winstead Three-year term expiring 06-30-2024

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, to adopt the following ordinance (#21-08- 77) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE FOR THE TWENTIETH DECLARATION OF A LOCAL STATE OF EMERGENCY RELATED TO COVID-19; AND FOR OTHER PURPOSES.

WHEREAS, like much of the world the United States, the State of Georgia, and the Unified Government of Athens-Clarke County, Georgia, (“ACCGov”) are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes named “coronavirus disease 2019” (abbreviated “COVID-19”); 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 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, May 4, 2021, June 1, 2021, June 15, 2021, and again on July 20, 2021; and

WHEREAS, the COVID-19 Delta variant has created a new surge in cases in Georgia and Athens-Clarke County specifically, with the CDC reporting a 108.70% increase in new hospital admissions and an 82.11% increase in the number of new COVID-19 cases in Athens-Clarke County in the last seven days as of August 1, 2021; and

WHEREAS, the CDC indicates that a person’s risk of exposure to COVID-19 infection is directly related to the risk of exposure to infectious persons, which is largely determined by the extent of COVID-19 circulation in the surrounding community; and

WHEREAS, CDC recommends using new COVID-19 cases per 100,000 persons in the last seven (7) days as one of its metrics for assessing the level of community transmission; and

WHEREAS, based upon this metric, Athens-Clarke County (and all surrounding counties) are currently at a “high” level of community transmission”—i.e. greater than 100 new cases per 100,000 persons in the past seven (7) days— (“high” being the highest level possible) as of July 31, 2021; and

WHEREAS, the CDC has indicated that the Delta variant is a “variant of concern” due in large part to increased transmissibility with an estimated 78.3-86% of recent COVID-19 cases being caused by the Delta variant as of July 17, 2021; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update on Friday, July 30, 2021, Georgia now has 932,145 confirmed cases of COVID-19, including 13,266 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 18,711 individuals in Georgia have died and 66,991 have been hospitalized after contracting COVID-19; and

WHEREAS, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, the CDC also advises that the use of masks or cloth face coverings will slow the spread of COVID-19; and

WHEREAS, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor’s Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors; and

WHEREAS, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State’s economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts; and

WHEREAS, on February 24, President of the United States, Joe Biden issued notice stating that the national emergency declared on March 13, 2020, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2021; and

WHEREAS, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, and April 15, 2021; and

WHEREAS, pursuant to the authority of O.C.G.A. § 38-3-28, local governments are specifically empowered to enact such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, and regulations promulgated by the Governor or by any state agency exercising a power delegated to it by him; and

WHEREAS, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28, which authorize 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, on July 27, 2021, the CDC issued new guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

WHEREAS, requiring the use of masks is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; 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, pursuant to this declaration, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue the previous provisions of its Nineteenth Declaration and to additionally provide that persons within the jurisdiction of the Unified Government of Athens-Clarke County, Georgia, shall wear a mask over the nose and mouth indoors in public as described herein; and

WHEREAS, the following actions related to outdoor restaurant seating areas, outdoor retail areas, and the indoor mask mandate 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 residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations or 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.

Outdoor Restaurant Seating Areas

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 approved 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 in an approved outdoor seating area as described herein.

SECTION 2.

Outdoor Retail Areas

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 3.

Indoor Mask Mandate

- (a) The provisions of Section 3 of this Ordinance shall only be enforced when the prevalence in Athens-Clarke County of confirmed cases of COVID-19 over the previous seven (7) 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 when indoors.
- (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
- (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 3 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 3 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 3.
 - (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 4.

The Mayor and Commission adopt and make the findings discussed in the "Whereas" paragraphs the factual findings of the Mayor and Commission.

SECTION 5.

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 Wednesday, September 8, 2021, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 6.

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 7.

The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

SECTION 8.

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 Link, to adopt the following resolution. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO DIRECT THE MANAGER TO IMPLEMENT A COVID-19 VACCINATION MANDATE FOR ACCGOV EMPLOYEES TO BE IMPLEMENTED NO LATER THAN SEPTEMBER 1, 2021; AND FOR OTHER PURPOSES

WHEREAS, like much of the world the United States, the State of Georgia, and the Unified Government of Athens-Clarke County, Georgia, ("ACCGov") are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); 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 and members of other populations identified by the CDC 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 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, May 4, 2021, June 1, 2021, June 15, and again on July 20, 2021; and

WHEREAS, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor's Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors; and

WHEREAS, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, nevertheless, because of the continuing negative impacts of the COVID-19 pandemic on the State's economy, supply chain, and healthcare infrastructure, on June 30, 2021, Governor Kemp

issued an Executive Order declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia shall be made available to assist in activities designed to address this emergency and aid recovery and response efforts; and

WHEREAS, on February 24, President of the United States, Joe Biden issued notice stating that the national emergency declared on March 13, 2020, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2021; and

WHEREAS, on July 19, 2021, Xavier Becerra, Secretary of the United States Department of Health and Human Services, renewed his determination (and that of former Secretary Alex M. Azar II) that a public health emergency exists and has existed since January 27, 2020, such prior renewals having been executed upon April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, and April 15, 2021; and

WHEREAS, the COVID-19 Delta variant has created a new surge in cases in Georgia and Athens-Clarke County specifically, with the CDC reporting an 108.70% increase in new hospital admissions and a 82.11% increase in the number of new COVID-19 cases in Athens-Clarke County in the last seven days as of August 1, 2021; and

WHEREAS, the CDC indicates that a person's risk of exposure to COVID-19 infection is directly related to the risk of exposure to infectious persons, which is largely determined by the extent of COVID-19 circulation in the surrounding community; and

WHEREAS, CDC recommends using new COVID-19 cases per 100,000 persons in the last seven (7) days as one of its metrics for assessing the level of community transmission; and

WHEREAS, based upon this metric, Athens-Clarke County (and all surrounding counties) are currently at a "high" level of community transmission"—i.e. greater than 100 new cases per 100,000 persons in the past seven (7) days—"high" being the highest level possible) as of July 31, 2021; and

WHEREAS, the CDC has indicated that the Delta variant is a "variant of concern" due in large part to increased transmissibility with an estimated 78.3-86% of recent COVID-19 cases being caused by the Delta variant as of July 17, 2021; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update on Friday, July 30, 2021, Georgia now has 932,145 confirmed cases of COVID-19, including 13,266 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update, 18,711 individuals in Georgia have died and 66,991 have been hospitalized after contracting COVID-19; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, the CDC advises that vaccination is the most effective way to prevent transmission of COVID-19 and limit severe illness, hospitalizations and death; and

WHEREAS, the CDC further advises that unvaccinated individuals should get vaccinated and continue masking until they are fully vaccinated; and

WHEREAS, based upon the increased transmissibility of the COVID-19 Delta variant, the CDC states that it is more urgent than ever that unvaccinated individuals get vaccinated; and

WHEREAS, the CDC also has issued updated guidance for fully vaccinated people living in areas of "high" or "substantial" community transmission based on new evidence related to the Covid-19 Delta variant; and

WHEREAS, ACCGov must provide a safe and healthy workplace, consistent with COVID-19 public health guidance and legal requirements, to protect its employees; and

WHEREAS, based upon the guidance of the CDC outlined above, unvaccinated employees are at greater risk of contracting and spreading COVID-19 within the workplace and to the public that depends on ACCGov's services; and

WHEREAS, to protect the safety, health, peace, security, and general welfare of ACCGov's employees and ACCGov's citizens, the Mayor and the Commission of Athens-Clarke County, Georgia, (hereinafter collectively referred to as the "Commission") find that it is in the best interests of the employees of ACCGov and the public that the Commission direct the Manager to implement a COVID-19 vaccination mandate for ACCGov employees no later than September 1, 2021; and

WHEREAS, pursuant to Section 4-104 (d) of the Charter of ACCGov, the Mayor and Commission, in addition to the rights, duties, powers, privileges and authority expressly conferred upon it by this Charter, shall 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

WHEREAS, pursuant to Section 4-102 (a) (7) of the Charter of ACCGov, the Manager has the power to prescribe, require, publish and implement standards of administrative, management, and operating practices and procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities and other agencies of the unified government which are subject to the manager's supervision and jurisdiction;

NOW, THEREFORE, BE IT RESOLVED THAT the Commission does hereby direct the Manager to implement a COVID-19 vaccination mandate for ACCGov employees no later than September 1, 2021.

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 that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution; and,

BE IT FURTHER RESOLVED the Commission grants the Manager 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 that except as specifically provided herein, any and all ordinances or resolutions or parts of ordinances or resolutions in conflict with this Resolution, shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption; 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.

A motion was made by Commissioner Edwards, seconded by Commissioner Denson, to reconsider wording of 20th emergency declaration ordinance to replace Section 3 (a) as follows.

- (a) The provisions of Section 3 of this Ordinance shall only be enforced when the prevalence in Athens-Clarke County of confirmed cases of COVID-19 over the previous seven (7) days is equal to or greater than one hundred (100) cases per one hundred thousand (100,000) people according to the Centers for Disease Control, or when the Georgia Department of Public Health reports a vaccination rate of more than 80% of the Athens-Clarke County population.

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 renaming Carriage Court to Auriel Callaway Avenue

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Broderick Flanagan – supported renaming to Thumpa Avenue.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve renaming of Carriage Court to Auriel Callaway Avenue.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Parker, to TABLE this request. The substitute motion passed by unanimous vote.

A public hearing was held on request of Carlton North for Owner: Carriage House Realty, Inc. for amendment to RM-1 (PD) (Mixed Density Residential, Planned Development) on .018 acre known as 115 Gran Ellen Drive. Proposed use is single-family residential. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

Citizen input

The following citizen input was received.

1. Carlton North – supported.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to adopt the following ordinance (#21-08-78) 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 ONE PARCEL OF LAND COMPRISING APPROXIMATELY 0.18 ACRES LOCATED AT 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 one parcel of land comprising approximately 0.18 acres located at 115 Gran Ellen Drive, Athens, Georgia, in the RM-1(PD)(Mixed Density Residential, Planned Development) District. The affected parcel is more fully described in that certain document entitled "115 Gran Ellen Dr Residential Site Plan" said document designated in the lower right-hand corner as sheet number "1," dated June 28, 2021, prepared by SouthView Design and Consulting, 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 0.18 acres is also known as parcel number 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 "115 Gran Ellen Dr Residential Site Plan, Sheet title: Site Plan," was prepared by SouthView Design and Consulting, is designated in the lower right-hand corner as sheet number "1" with a revised date of June 28, 2021, and is stamped "Binding 7-7-21."

The binding written report associated with this ordinance and incorporated herein by reference is entitled "Planned Development Amendment Narrative," is dated April 26, 2021, consists of eight pages in total, and is stamped "Binding 7-7-21."

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

1. The structure shall be limited to no more than three bedrooms and 2.5 bathrooms.
2. Prior to permitting, the developer shall obtain Public Utilities Department approval of a sanitary sewer extension to be provided at the developer's expense.

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 4 above, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of W & A Engineering for New Oak Grove Area, LLV for amendment to C-G (PD) (Commercial-General, Planned Development) on 52.89 acres known as 102 Lavender Road and 6045 Jefferson Road. Proposed use is commercial and multifamily. Type II

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Scott Haines – supported.

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, to adopt the following ordinance (#21-08-79) 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 52.89 ACRES LOCATED AT 102 LAVENDER ROAD & 6045 JEFFERSON ROAD IN THE C-G (PD)(COMMERCIAL-GENERAL, 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 52.89 acres located at 102 Lavender Road and 6045 Jefferson Road, Athens, Georgia, in the C-G(PD)(Commercial-General, Planned Development) District. The affected parcel is more fully described in that certain document entitled "Oak Grove Planned Development" said document designated in the lower right-hand corner as sheet number "1," dated March 9, 2021, prepared by W&A Engineering, and stamped "Binding 4-9-21," 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 52.89 acres is also known as Tax Parcel Nos. 062 025, 062 027, and 062 028 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 "Oak Grove Planned Development, Sheet title: Site Plan," was prepared by W&A Engineering, is designated in the lower right-hand corner as sheet number "1," is dated March 9, 2021, and is stamped "Binding 4-9-21."

SECTION 3. Except as specifically modified or amended herein, that certain ordinance entitled "An Ordinance to Amend the Code of Athens, Georgia with respect to amending a portion of an existing RS-8(PD/C-N(PD)(Single-Family Residential Planned Development and Commercial-Neighborhood Planned Development) located at 6095 Jefferson Road by rezoning 52.89 acres of the planned development located at 6045 Jefferson Road to C-G(PD)(Commercial-General Planned Development); and for other purposes," which the Mayor and Commission of Athens-Clarke County, Georgia approved during its meeting on September 3, 2009, is hereby saved from repeal and shall remain in full force and effect.

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 Cabot Creek Consulting for Clyde William Taff Estate & Bennie Mae Taff Estate for rezoning from RS-8 (Single-Family Residential) to RS-5* (Single-Family Residential zoning w/Condition) on 47.7 acres known as 5090 & 5098 Old Jefferson Road. Proposed use is single-family residential. Type II

Planning Commission recommendation: Denial (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to approve request of applicant for withdrawal. The motion passed by unanimous vote.

A public hearing was held on request of Josh Koons, Koons Environmental Design, Inc. for Owner: Nancy W. Stangle and Kathleen Blane, for rezoning from RS-25 (Single-Family Residential) and AR (Agricultural Residential) to AR on 82.63 acres (RS-25 area) known as 281 Rivercliff Drive & 2465 Tallasse Road. This will require an amendment to the Future Land Use Plan from Single Family Residential to Rural. Proposed use is conservation and agriculture. Type I

Planning Commission recommendation:
Future Land Use: Approval (unanimous)
Rezoning: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Kate Blane – supported

A motion was made by Commissioner Denson, seconded by Commissioner Thornton, to adopt the following ordinance (#21-08-80) which was presented by title only. The motion passed with nine YES votes. Commissioner Houle abstained.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO AMENDING THE OFFICIAL FUTURE DEVELOPMENT MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION OF TWO PARCELS OF LAND COMPRISING APPROXIMATELY 82.63 ACRES LOCATED AT 281 RIVERCLIFF DRIVE & 2465 TALLASSEE ROAD FROM SINGLE FAMILY RESIDENTIAL TO RURAL; AND FOR OTHER PURPOSES.

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

SECTION 1. The Official Future Development Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia, as specifically identified in Section 9-3-3(A)(2) thereof, is hereby amended by changing the future development map designation of the two parcels of land located at 281 Rivercliff Drive and 2465 Tallassee Road, Athens-Clarke County tax parcel numbers p/o 061 005A, p/o 061 005B, as described in Sections 2 and 3 below and as more particularly shown on Exhibit A, which is attached hereto and incorporated herein by reference.

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

SECTION 2. The Future Development Map designation of the parcel located at 281 Rivercliff Drive, Athens, Georgia (Tax Parcel No. p/o 061 005A) shall be changed from Single Family Residential to Rural.

SECTION 3. The Future Development Map designation of the parcel located at 2465 Tallassee Road, Athens, Georgia (Tax Parcel No. p/o 061 005B) shall be changed from Single Family Residential to Rural.

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

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, to adopt the following ordinance (#21-08-81) which was presented by title only. The motion passed with nine YES votes. Commissioner Houle abstained.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING TWO PARCELS OF LAND COMPRISING APPROXIMATELY 82.63 ACRES LOCATED AT 281 RIVERCLIFF DRIVE & 2465 TALLASSEE ROAD FROM RS-25, (SINGLE-FAMILY RESIDENTIAL) AND AR (AGRICULTURAL RESIDENTIAL) TO AR (AGRICULTURAL RESIDENTIAL); AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of two parcels of land comprising approximately 82.63 acres located at 281 Rivercliff Drive, Athens, Georgia, and 2465 Tallassee Road, Athens, Georgia as set forth in Sections 2 and 3 below. Said affected parcels of land being more fully described in that certain document entitled "Survey for Earthsavor Partner Inc.," dated May 16, 2012, made by Ben McLeroy & Associates, Inc., a Georgia registered land surveyor, and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The two parcels comprising the subject property are also known as parcel numbers p/o 061 005A and p/o 061 005B on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the 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 zoning of the parcel located at 281 Rivercliff Drive, Athens, Georgia (Tax Parcel No. p/o 061 005A) shall be changed from RS-25 (Single-Family Residential) and AR (Agricultural Residential) to AR (Agricultural Residential).

SECTION 3. The zoning of the parcel located at 2465 Tallassee Road, Athens, Georgia (Tax Parcel No. p/o 061 005B) shall be changed from RS-25 (Single-Family Residential) and AR (Agricultural Residential) to AR (Agricultural Residential).

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

A public hearing was held on request of Jeff Carter/Carter Engineering Consultants for Owner: Calvary Bible Church for rezoning from Conditional Use to Special Use in RS-8 on 15.05 acres known as 295 Tallassee Road. Proposed use is a church addition. Type II

Planning Commission recommendation: Approval w/conditions (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Houle, seconded by Commissioner Myers, to adopt the following ordinance (#21-08-82) 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 SPECIAL USE APPROVAL IN THE RS-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT ON A PARCEL OF LAND COMPRISED OF APPROXIMATELY 15.05 ACRES AND LOCATED AT 295 TALLASSEE ROAD; AND FOR OTHER PURPOSES.

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

SECTION 1. The current RS-8 (Single-Family Residential) District in which is located a parcel of land comprised of approximately 15.05 acres at 295 Tallassee Road, Athens, Georgia, is hereby amended to provide for Special Use approval to permit the construction of a 10,497 square foot addition to the existing church for the purpose of a new worship hall. The subject parcel is more fully described as follows:

All that parcel of land comprised of approximately 15.05 acres as described in that certain binding site plan entitled "Special Use Permit Plans for Calvary Bible Church," dated May 24, 2021, prepared by Carter Engineering Consultants, Georgia registered engineers, stamped "Binding 7-7-21," and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. Said parcel is designated as tax parcel number 064 032 on the Athens-Clarke County tax map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A hereto shall be noted on said Official Zoning Map in the office of the Clerk of Commission, 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 consist of two sheets, the first sheet of which is entitled "Overall Site Plan," dated May 24, 2021, and numbered "SUP1;" and the second sheet of which is entitled "Site Plan," dated May 24, 2021, and numbered "SUP2." These binding documents are stamped "Binding 7-7-21" and are available for public inspection in the office of the Athens Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding floor plan associated with this ordinance and incorporated herein by reference consist of two sheets, both sheets being denoted as "New Worship Facility for Calvary Bible Church," the first sheet of which is entitled "Floor Plan," originally dated January 27, 2021, and last revised on May 12, 2021, and numbered "A1.1;" and the second sheet of which is entitled "Exterior Elevations," originally dated January 27, 2021, and last revised on May 12, 2021, and numbered "A2.1." These binding documents are stamped "Binding 7-7-21" and are available for public inspection in the office of the Athens Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of five pages in total, being entitled "Special Use Permit Narrative," dated February 26, 2021, and prepared by Carter Engineering Consultants, Georgia registered engineers. Said report is stamped "Binding 7-7-21" and is available for public inspection in the office of the Athens Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

SECTION 3: Conditions associated with this ordinance are as follows:

1. The site plan shall be revised to provide a required buffer along the northern and western property lines; an alternative to a western buffer is to combine the two church-owned parcels.
2. The site plan shall be revised to incorporate the required number of parking lot trees.

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

A public hearing was held on request of Michael B Thurmond/Armentrout Matheny Thurmond for Owner: Centurion Westpark, LLC amendment to C-N (PD) (Commercial-Neighborhood Planned Development) on 1.97 acres known as 155 and 305 Westpark Drive. Proposed use multifamily. Type II

Planning Commission recommendation: Approval (unanimous)

Citizen input

The following citizen input was received.

1. Bret Thurmond – supported.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to HOLD this request until Tuesday, September 7, 2021. The motion passed by unanimous vote.

Commissioner Denson exited the meeting at 11:32 p.m.

Commissioner Thornton exited the meeting at 11:33 p.m.

Citizen input on items other than those listed on this agenda

The following citizen input was received.

1. Joey Carter – supported internal auditor.

Commissioner Wright exited the meeting at 11:34 p.m.

Commissioner Hamby exited the meeting at 11:37 p.m,

2. Broderick Flanagan – supported internal auditor.
3. Quaris Franklin – supported Mentoring Young Men program.
4. Asia Thomas – supported Mentoring Young Men program.
5. Barbara Benson – supported internal auditor.
6. Fred Smith – supported Mentoring Young Men Program.
7. Stephanie Flores - supported internal auditor.

FROM MAYOR GIRTZ:

1. Requested Legislative Review Committee complete review of special events ordinance.
2. Requested Legislative Review Committee bring forth recommendations regarding a civil rights commission.
3. Referred to Legislative Review Committee the following charge: Determine ideal composition and mission for a local civil rights/human rights commission, situated to provide support to the Inclusion Office.
4. Proclamations will be issued to the following recognizing participation in the Adopt Athens Program.

Adopting Organization

Location

The League of Step

Newton Street between Meigs Street and Baxter Street

The Classic Center	North Avenue between Willow Street and Northcrest Drive
Solid Waste Advisory Committee	Winterville Road between Springvalley Road and Buddy Christian Way

FROM MANAGER WILLIAMS:

1. Received for information was a report of purchasing contracts awarded over \$10,000 for months of May and June 2021.
2. Received for information was a report of manager budget transfers.

<u>Department</u>	<u>Amount</u>	<u>For</u>
Solid Waste	\$2,500	Georgia APWA internship grant
Organizational Development	\$20,000	Talent Management Software Project
Board of Elections	\$ 4,031	Secure the Vote (CARES grant)
Board of Elections	\$15,000	Secure the Vote (CARES grant)

FROM AUDITOR MADDOX:

1. Thanked citizens for support.
2. Stated audit reports for Fleet Management and Animal Services will be available Wednesday, August 4.

FROM COMMISSIONER DAVENPORT:

1. Thanked police department for innovative approaches to assist persons with mental health issues and thanked all first responders.
2. Announced Saturday, August 15, 4-6:00 p.m, will be Winterville Charter Day.
3. Thanked Joanne Snow for her service to City of Winterville.

FROM COMMISSIONER PARKER:

1. Stated Juneteenth celebration will be Saturday, 585 Vine Street, 2-6:-00 p.m.
2. Invited participation in a TSPLOST work shop Saturday from 9:00 a.m. - 1:-00 p.m. at Lay Park.
3. Requested Mayor assign to committee a living wage policy.

FROM COMMISSIONER LINK:

1. Requested manager publicize mask ordinance.

FROM COMMISSIONER HOULE:

1. Requested Mayor assign to committee a living wage policy.
2. Thanked citizens who spoke.

FROM COMMISSIONER EDWARDS:

1. Thanked mask wearers.

FROM COMMISSIONER MYERS:

1. Wished Happy 95th Birthday to Mrs. Natalie Tooney.
2. Thanked citizens who spoke.

3. Thanked Krystal Cobran and Selah Gardiner for equity retreat presentation.

The meeting adjourned at 12:08 a.m.

Clerk of Commission