

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, August 10, 2021
5:04 p.m.
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, 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 Davenport, to enter into executive session for discussion of real estate acquisition and/or disposal. The motion passed by unanimous vote.

The meeting adjourned at 5:06 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, August 10, 2021
5:40 p.m.
City Hall/WebEx

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, and Thornton. Absent: Commissioner Hamby.

The purpose of the meeting was to consider several items of new business.

New business – Consider under suspension of Rules

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

A motion was made by Commissioner Houle, seconded by Commissioner Thornton, to adopt the following ordinance (#21-08-83) 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 EVENTS; AND FOR OTHER PURPOSES.

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

SECTION 1. Findings. Special Events are a valuable part of the Athens-Clarke County community, increasing tourism, civic engagement, and often increasing awareness about important social issues affecting the region. However, when special events involve the sale of beer and/or wine, it adds a level of complexity in establishing where it is legal for event participants to purchase and consume beer and/or wine. Establishing enclosed areas on public streets, sidewalks, and right of ways where beer and/or wine can be consumed and/or purchased during a special event creates a host of challenges regarding enforcement and public health and safety, not the least of which are the difficulties in ensuring that emergency personnel can easily access such locations in the event of a disturbance or medical emergency. In order to explore opportunities to provide greater flexibility to special event organizers and public safety staff, the Mayor and Commission has revised the original special events ordinance to establish an expanded pilot program until December 31, 2021, in order to better meet the needs of special events organizers and attendees, while addressing areas of concern identified by Athens-Clarke County staff, and ensuring that special events will continue to be held in a manner that prioritizes the safety of all involved.

SECTION 2: Section 6-5-12 entitled "*Sale of beer and/or wine*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new section is inserted in lieu thereof:

"Sec. 6-5-12. – Sale of beer and/or wine.

(a) *Purpose.* The purpose of this ordinance is to establish a pilot program to implement changes to the Special Events ordinance in order to provide greater flexibility, while prioritizing public health and safety concerns. This ordinance shall remain in full force and effect until January 31, 2022, unless it is extended or modified prior to said date by the Mayor and Commission.

(b) Authorized areas where beer and/or wine may be dispensed and consumed shall be permitted only within the delineated boundaries of a special event subject to the following conditions:

(1) The dispensing or consumption of beer and/or wine shall not be permitted at any special event which, due to the size of such event, does not require the closing of at least one city block.

(2) The producer of a special event shall have the discretion to provide special outdoor cafe areas where beer and/or wine may be served within the delineated boundaries of the event.

(3) Whenever any event will include the dispensing and consumption of beer and/or wine, the producer of such event, at least 45 days prior to the event, shall meet with appropriate staff members of the Athens-Clarke County government as designated by the manager in accordance with Section 6-5-5 in order to review the plans, conditions and restrictions pertaining to the event. Prior to the issuance of a permit for the event, the producer shall sign a statement of

understanding of and agreement to the terms and conditions imposed on the event. Such statement shall become a part of the conditions of the permit for the event.

(4) A special outdoor cafe area within a special event where beer and/or wine is permitted shall be securely enclosed on all sides by a fence, barricade, building, or other similar such structure approved by the chief of police, or his designee, so as to completely separate that area from the areas in which alcoholic beverages are not permitted. Every special outdoor cafe area permitted under this section should be rectangular in shape with one of the longer sides of such special outdoor cafe area abutting a street curb. Any festival zone shall be enclosed as outlined in Section 6-5-12(b)(6)(b).

(5) Within each city block that is closed for a special event where the event does not utilize a festival zone, the event may have:

(a) One special outdoor cafe area per block, limited to no more than 300 persons and not exceeding an area greater than 4,000 square feet; or,

(b) Up to two special outdoor cafe areas per block, with each area limited to no more than 150 persons and not exceeding an area greater than 2,000 square feet

(6) When two or more city blocks are closed for a special event, the event may have:

(a) Special outdoor café areas as outlined in Section 6-5-12(5) above; and/or

(b) A single festival zone, extending contiguously across at least one city block, meeting the following criteria:

(i) Location: the location of any festival zone and its occupancy limits shall be determined during the administrative review of the special event application, conducted pursuant to Section 6-5-5, after the event applicant, Central Services staff, and Athens-Clarke County Police Department staff have had an opportunity to review the proposed locations, develop a potential site plan, identify the costs associated with establishing said festival zone, and such location(s) shall only be deemed to have been approved after receiving written approval by both Central Services and Athens-Clarke County Police Department staff who have been authorized by their respective department directors to grant such approval.

(ii) Boundaries and Access: festival zones shall be designed so that:

a. The boundaries generally run from one intersection, either north/south or east/west, to the adjacent intersection;

b. Fencing, barricades, buildings, or other similar structures are used to define the entry and exit points into the outdoor beverage zone;

c. Signage as outlined in Section 6-5-12(10) is provided at all entry/exit points;

d. ADA compliant access is provided throughout and across the festival zone, and to all businesses that abut the festival zone, as outlined in Section 6-5-2(d);

e. The festival zone is designed in such a way that emergency access can be provided as needed; and,

f. The festival zone may be no larger than four consecutive blocks where each of the blocks are touching, although said blocks may not be in a straight line and the roadways between each block may or may not actually be closed to through traffic.

(iii) Management: festival zones will be managed so that:

a. The event producer shall verify that participants who wish to consume beer or wine within the zone are at least 21 years of age;

b. The event producer will provide participants with wrist bands and approved containers and/or markers ("approved container"), as approved by Athens-Clarke County, which both shall be either uniquely identifiable and uniformly colored or shall be uniquely marked in such a way so as to make it immediately apparent at a distance that each has been designated for use and/or sale within the festival zone;

c. In the event that an event producer chooses to use a unique marker to identify approved containers, such markers shall be large enough to be immediately recognizable from a distance, unique enough such that they cannot easily be duplicated by unauthorized parties, durable

enough that they cannot easily be removed and transferred to a non-approved container, and shall not unreasonably interfere with the recyclability of the approved container, examples of which include a full wrap sticker being used on an aluminum can, whereas a partial sticker that does not encircle an aluminum can would be acceptable;

d. Wrist bands shall be utilized to identify persons who have presented proof of attaining the age of 21 years and who are authorized to purchase or hold in their possession beer and/or wine within the festival zone, both within and outside of licensed alcoholic beverage establishments; however, displaying such a uniquely identifiable wrist band does not relieve alcoholic beverage establishments of responsibility for determining if a person has attained the age of 21 years before dispensing alcohol to that person;

e. The size of the approved containers shall not exceed 24 ounces;

f. Each patron will be limited to one approved container for consumption within the festival zone; and

g. Businesses that have an entry point included within the festival zone may sell beer or wine to patrons who possess wrist bands and approved containers for consumption within the premises of their business and the adjacent festival zone so long as the business is licensed to serve alcohol; and

h. Beer and/or wine purchased within a licensed business having an entry point within the festival zone that is not contained within an approved container will not be permitted within the festival zone, and any such business that knowingly and intentionally allows patrons to exit its premises with either an alcoholic beverage containing liquor or beer and/or wine purchased from its establishment and not contained in an approved container and not wearing an approved wrist band, shall be in violation of this Section.

(iv) Safety: the following provisions are included to ensure the safety of festival zones:

a. As further described below in Section 6-5-12(9), a festival zone will generally be required to provide at least one security officer per entry point and at least one additional officer for support within the zone;

b. Only one special event may be permitted at a time per sponsor/person; a festival zone will not be permitted on days when another special event is already permitted in the downtown area and on UGA home football game days;

c. Patrons may not leave a festival zone with open containers;

d. Pursuant to Section 3-12-23, open glass containers of any kind are strictly prohibited within the festival zone;

e. *Drinking alcohol in parked motor vehicle prohibited.* It shall be unlawful for any person to consume any alcoholic beverages while in the confines of a motor vehicle when the vehicle is parked on any city street, alley way, or parking lot; and

f. *Open container of alcohol in moving vehicle prohibited.* It shall be unlawful for any person to possess an open container of an alcoholic beverage while operating a vehicle in the city or while a passenger in or on a vehicle being operated in the city.

i. As used in this section, "open container" means any container that is immediately capable of being consumed from, or the seal of which has been broken.

ii. An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked nonpassenger area of the vehicle.

iii. An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.

iv. Exceptions:

1. A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid chauffeur's license pursuant to Georgia law or any other state;

2. A passenger of a bus in which the driver holds a valid chauffeur's license pursuant to Georgia law or any other state; or
 3. A passenger of a self-contained motor home which is in excess of 21 feet in length.
- (7) Every special outdoor cafe or festival zone permitted under this section may provide seating and shall provide food service within such area.
 - (8) The dispensing of beer and/or wine at any special outdoor cafe area or festival zone shall be restricted to: (1) a holder of an alcoholic beverage caterer license issued by Athens-Clarke County, (2) a holder of a temporary alcoholic beverage permit issued to a bona-fide non-profit, tax-exempt civic organization by Athens-Clarke County, or (3) a holder of a separate home-brew special event permit issued by Athens-Clarke County, or (4) a holder of an alcoholic beverage license for a business distributing alcohol from their establishment for consumption within a festival zone. The name of such licensee(s) or permittee(s) and the current assigned number, as such appears on the license or permit, shall be required as a part of the application for a special event permit.
 - (9) The producer of the special event shall provide, at his/her own expense, at least one security officer, approved by the chief of police, or his designee, at each special outdoor cafe area approved for the consumption of beer and/or wine.
 - (10) Every area where beer and/or wine is consumed shall be conspicuously posted at all times at each point of entrance/exit with signs stating the following: "The possession of alcoholic beverages beyond this point is prohibited." The letters of such signs shall not be less than three inches in height and one-half inch in width and shall be in black letters on a contrasting light background.
 - (11) It shall be unlawful for patrons of any area(s) of a special event in which beer and/or wine is permitted to bring into or take outside the designated area(s) any alcoholic beverage or to furnish any alcoholic beverage to any person outside the designated area where beer and/or wine is permitted. Provided, however, that participants in and sponsors of home-brew special events may transport malt beverages to a home-brew special event in a special outdoor cafe or festival zone in accordance with applicable law.
 - (12) The application for a special event at which beer and/or wine is permitted shall include, in addition to the map identifying the outermost boundaries of the event, a map no smaller than 8½ x 11 inches in size, clearly identifying the area(s), including all public streets and sidewalks within and adjacent to the area(s), where the consumption of beer and/or wine is proposed. However, no areas designated for the consumption of beer and/or wine shall encroach within the designated public circulation areas described in section 6-5-2(d).
 - (13) The application for a permit for a special event at which beer and/or wine is permitted shall include a description of the area(s), including the size and the number of seats proposed for such area(s), if utilized. The application also shall contain a description of the method and structures that will be used to secure and separate such area(s) from other public areas as required in subsection (4) above.
 - (14) The fee for a permit to dispense and/or consume beer and/or wine at a special event shall be \$600.00 for a festival zone, \$300.00 for an area designated for up to 300 persons, and \$150.00 for each area designated for up to 150 persons, payable to Athens-Clarke County, and shall be paid in addition to and remitted at the same time as any other fees provided for in Section 6-5-9.
 - (15) Notwithstanding the provisions of this section, any person dispensing and/or consuming beer and/or wine in accordance with this section shall comply with all other laws and ordinances pertaining to the sale, possession and consumption of alcoholic beverages.
 - (16) Notwithstanding the provisions of this section, all food vendors shall apply for and receive a solid waste permit pursuant to the requirements of this Chapter before dispensing beverages at a special event."

SECTION 2. 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 herewith are hereby repealed.

SECTION 3. 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 Monday, January 31, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 4. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener's errors.

A motion was made by Commissioner Link, seconded by Commissioner Wright, to approve the Audit Work Plan as per agenda report dated October 16, 2020 with a revision to item 5a to read as follows:

Police Department Audit Scope

- a. Determine the different funding sources for the Police Department's total operating and capital budgets

The motion passed by unanimous vote.

The meeting adjourned at 6:05 p.m.

Clerk of Commission