

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, September 6, 2022  
6:00 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Link, Wright, Denson, Houle, Edwards, Myers Thornton, and Hamby. Absent: Commissioner Parker. Commissioner Davenport arrived at 6:02 p.m. Commissioner Denson arrived at 6:08 p.m.

A motion was made by Commissioner Thornton, seconded by Commissioner Myers, to approve Minutes of meetings of Tuesday, August 2; Tuesday, August 16; 2022; and August non-voting meetings. The motion passed with eight yes votes. Commissioner Denson was absent.

#### Written communications

There were none.

#### 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.

#### Public input

There was no input.

A motion was made by Commissioner Thornton, seconded by Commissioner Myers, to consent to action on the following 11 items. The motion passed with eight yes votes. Commissioner Denson was absent.

1. ADOPT: The following ordinance (#22-09-81) which was presented by title only creating the Tax Allocation District (TAD) Advisory Committees to allow for up to seven committee members, staggered membership terms, and a secretary role for each TAD Advisory Committee as per Attachment #1 of agenda report dated July 26, 2022.

#### **AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO TAX ALLOCATION DISTRICT ADVISORY COMMITTEES AND FOR OTHER PURPOSES.**

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

SECTION 1. Subsection (c) Section 1-28-1 entitled "*Advisory committees*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new subsection (c) is inserted in lieu thereof:

#### **"Sec. 1-28-1. – Advisory committees.**

(c) The Mayor is hereby authorized to appoint the members of each Advisory Committee which shall each consist of seven residents of Athens-Clarke County."

SECTION 2. Subsection (d) of Section 1-28-1 entitled "*Advisory committees*" of the Code of Athens-Clarke County, Georgia, is hereby deleted in its entirety and the following new subsection (d) is inserted in lieu thereof:

**“Sec. 1-28-1. – Advisory committees.**

(d) Members of each Advisory Committee shall serve three (3) year staggered terms and may succeed themselves. For the initial formed committee, the Mayor shall designate three (3) members to serve initial three (3) year terms and four (4) members to serve initial two (2) year terms to allow for a continuation and distribution of knowledge amongst the new appointed members. After the initial appointment of members, all members shall be appointed to serve three (3) year terms. Members may continue to serve until their successors are appointed by the Mayor. The term of office for those individuals that were previously appointed to serve on any Advisory Committee prior to the effective date of this Section shall terminate on September 6, 2022, provided, however, that nothing shall preclude the Mayor’s reappointment of said individuals, and, upon such reappointment, those individuals shall count their previous served time towards the term of their reappointment. A Chair, Vice-Chair, and Secretary shall be elected from the membership of each committee on an annual basis.”

SECTION 3. Section 1-28-3 entitled “*Meetings*” 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. 1-28-3. – Meetings.**

Each Advisory Committee shall hold such meetings as may be necessary for said Committee to evaluate proposed Redevelopment Projects and make recommendations to Athens-Clarke County and its Redevelopment Agency on the use of Tax Allocation District ("TAD") Funds within the Redevelopment Area of that district and effective and equitable implementation of the redevelopment plan for the district. All meetings shall be subject to Georgia Open Meetings Law with notice of said meetings being provided at least 24 hours prior to the meeting. Meetings shall be open to the public, and conducted in accordance with the Georgia Open Meetings Law.

Four (4) of the seven (7) members of an advisory committee shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time. A majority of the members present must vote in the affirmative for a recommendation to be approved.

All records of each Advisory Committee shall be subject to Georgia Open Records law and maintained in accordance with local records retention schedules.”

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

SECTION 5. 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 6. The Clerk of Commission, in consultation with the County Attorney, shall have the power to correct scrivener’s errors.

2. ADOPT: The following ordinance (#22-09-82) which was presented by title only as shown in Attachment #1 of agenda report dated July 26, 2022.

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

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

SECTION 1. Chapter 8-2 of the Code Athens-Clarke County, Georgia, entitled “*Flood Protection*,” is hereby deleted in its entirety and replaced so it now reads as follows:

**Sec. 8-2-1. Purpose**

It is the intent of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to regulate the use and development of property located in such areas; to provide protection from flooding and inundation to persons and property; to prevent interference with the flow of any watercourse; to prevent any appreciable expansion of flooding, siltation, erosion or inundation hazards; and to require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage

at the time of initial construction. Further, this chapter is intended to be compatible with and supportive of the establishment of greenways, river walks and parks and other public uses of floodplains and watercourses as expressed through the land use plan and that may be authorized by other ordinances.

Sec. 8-2-2. General Provisions.

- (a) *Adoption of documents identifying Areas of Special Flood Hazard.* The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled "Flood Insurance Study for Athens-Clarke County, Georgia (All Jurisdictions)," and National Flood Insurance Program-Flood Insurance Rate Map (FIRM) for Athens-Clarke County, Georgia (All Jurisdictions), dated April 2, 2007, as amended from time to time, are hereby adopted by reference and declared to be a part of these regulations.
  - (1) Copies of the Flood Insurance Study and FIRM described above shall be maintained on file and available for public inspection in the office of the Clerk of the Athens-Clarke County Commission, City Hall, Suite 204, 301 College Avenue, and by reference are made a part of this chapter as if fully incorporated herein.
  - (2) Purpose of flood insurance study. This study is intended to give the general location of flood hazard areas, the elevation for the regulatory flood, and to determine the nature and extent of flood hazard areas on any particular property. Hydrological studies, engineering computations, flood records and field surveys compiled and certified by a registered professional engineer may be required for exact delineation of flood limits and elevations.
  - (3) The Floodplain Administrator within the Department of Transportation and Public Works is hereby designated to administer and implement the provisions of this chapter and the floodplain management program for the Unified Government of Athens-Clarke County.
  - (4) Data in order to administer. When base flood elevation data has not been provided in accordance with this section, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer the provisions of this chapter. Such data could include U.S. Army Corps of Engineer reports.
- (b) *Application.* This chapter shall apply to all areas of Special Flood Hazard within the jurisdiction of Athens-Clarke County. The provisions of this chapter shall not apply to any project for improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
- (c) *Uses not permitted.* No use shall be permitted if the proposed use, in conjunction with all other uses permitted, would raise the water surface elevations of the 100-year flood by more than one foot at any point.
- (d) *Floodway.* In addition to all of the standards, encroachments (including fill), new constructions, substantial improvements and other developments shall be prohibited within floodway unless certification by a registered professional engineer or architect is provided demonstrating that the encroachments will not result in any increase in flood levels or floodway widths during occurrence of the base flood discharge.
- (e) *Application of chapter to Athens-Clarke County property.* All of the provisions of this chapter shall also apply to property owned by Athens-Clarke County.
- (f) *Use of other data.* The Floodplain Administrator may reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements or other developments in areas of Special Flood Hazard comply with the requirements of section 8-2-4.

Sec. 8-2-3. Application procedures.

- (a) *Permit required.* No person shall perform any construction, conversion, substantial improvement or development in areas of Special Flood Hazards as set forth in the provisions of this chapter without first obtaining a development permit from the chief building official. A Flood Plain Construction Permit is also required from the Department of Transportation and Public Works. The fee for the Flood Plain Construction Permit will be charged in accordance with the fee schedule in Section 7-1-560.
- (b) *Application for permit; required information.* Application for a development permit shall be made to the chief building official on forms furnished by him/her accompanied by two sets of the site development plan drawn to scale showing the nature, location and dimensions of the proposed development in question; also showing existing and proposed structures and where applicable the location of fill and storage of material and drainage facilities. In addition, the following information shall be provided:

*Application stage:*

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed and existing structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure has been flood-proofed.
- (3) Design certification from a registered professional engineer or architect stating that any nonresidential flood-proofed structure meets the flood-proofing requirements in section 8-2-4(a)(8).
- (4) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (5) *Approval from the Floodplain Administrator.* No development permit in Areas of Special Flood Hazard shall be issued unless such permit is approved by the Floodplain Administrator as meeting the provisions of this chapter.

*Construction stage:*

- (1) For all new construction and substantial improvements, the permit holder shall provide to the chief building official an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.
  - (2) Any work undertaken prior to submission of these certifications shall be at the permit holder's risk. The chief building official shall review the above referenced certification data submitted. If deficiencies are detected by such review, the permit holder shall immediately correct noted deficiencies and correction shall be prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.
- (c) *Maintenance of records; verification of elevation.* All records pertaining to the provisions of this chapter shall be maintained in the office of the chief building official.
- (d) *No Certification by Athens-Clarke County.* Nothing in this chapter nor any review or approval of an application or issuance of a permit shall constitute any certification by Athens-Clarke County or any official or employee of Athens-Clarke County that flooding or flood damage shall not occur on any property or any structure located thereon.

Sec. 8-2-4. Development standards.

(a) *Residential and nonresidential.*

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage utilizing methods and practices that minimize flood damage and shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (2) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated a minimum of one foot above the base flood elevation.
- (3) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (4) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (5) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (6) Any alteration, repair, reconstruction or improvement to a structure on which the start of construction was begun after the effective date of this chapter shall meet the requirements of "new construction" as contained in this chapter.
- (7) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated a minimum of two feet above the base flood elevation.
- (8) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated two feet above base flood elevation or, together with attendant utility and sanitary facilities, shall be flood-proofed to one foot above the base flood elevation, with walls substantially impermeable

to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the chief building official.

- (9) For all new construction and substantial improvements, fully enclosed areas below the lowest floor formed by foundation and other exterior walls shall be designed so as to be unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
    - c. So as not to violate the "Lowest Floor" criteria of this chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
    - d. the interior portion of such area shall not be partitioned or finished into separate rooms.
  - (10) Any changes or revisions, proposed as part of a new construction or substantial improvement project to the flood data adopted herein and shown on the Flood Insurance Rate Map (FIRM) shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project the developer is responsible for submitting the as-built data to FEMA in order to obtain the final Letter of Map Revision (LOMR).
- (b) *Manufactured homes.*
- (1) All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of this chapter.
  - (2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
    - a. over-the-top ties be provided at each end of the manufactured home, with one additional tie per side at an intermediate location on manufactured homes of less than 50 feet or two additional ties per side for manufactured homes of 50 feet or more;
    - b. frame ties be provided at each corner of the manufactured home with four additional ties per side at intermediate points for manufactured homes less than 50 feet long and one additional tie for manufactured homes of 50 feet or longer; and
    - c. all components of the anchoring system be capable of carrying a force of 4,725 pounds and any additions to the manufactured home be similarly anchored.
  - (3) For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, construction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision, the following are required:
    - a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level;
    - b. Adequate surface drainage and access for a hauler are provided; and
    - c. In the instance of elevation on pilings:
      1. Lots are large enough to permit access steps; and
      2. Piling foundations are placed in stable soil no more than ten feet apart; and
      3. Reinforcement is provided for pilings more than six feet above the ground level.

(c) *Standards for recreational vehicles.*

All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Athens-Clarke County FIRM shall either be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, or meet the permit requirements of Sec. 8-2-3 (a) and Sec. 8-2-4 (b). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) *Standards for subdivision proposals and other development proposals.*

- (1) All subdivision and/or other development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding;
- (2) All subdivision and/or other development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision and/or other development proposals shall have adequate drainage provided to reduce exposure to flood hazard; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) on proposed projects of five acres or which have 50 or more lots.

(e) *Standards for critical facilities.*

- (1) Notwithstanding section 8-2-2(b), critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- (2) All ingress and egress from any critical facility must have minimum elevation equal to or above the 500-year flood elevation.

(f) *Standards for streams without established base flood elevations and/or floodway.* For A-zones located within the areas of Special Flood Hazard, or where streams exist but no base flood data have been provided, or where base flood data have been provided but a Floodway has not been delineated, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided, then the applicant shall provide to the Department of Transportation and Public Works for review any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter. Only if data are not available from these sources, then the following shall apply:
  - a. No encroachment, including structures or fill material, shall be located within area equal to the width of the stream or 75 feet, whichever is greater, measured from the top of stream bank, unless certification by a registered professional engineer is provided demonstrating that the encroachment shall not result in more than a one-foot increase in flood levels during the occurrence of a base flood discharge.
  - b. In Areas of Special Flood Hazard without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards identified in section 8-2-4.

(g) *Standards for Areas of Shallow Flooding (AO or AH Zones).* For Areas of Special Flood Hazard designated "AO" or "AH" on the community's Flood Insurance Rate Map, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standard identified in section 8-2-4.
- (2) New construction or the substantial improvement of a nonresidential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood elevation plus a minimum of one foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect

shall certify that the design and methods of construction are in accordance with the accepted standards of practice for compliance with the provisions above.

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 8-2-5. Duties and responsibilities of the Athens Clarke County Floodplain Administrator.

The Floodplain Administrator upon receipt from the chief building official of a copy of the application for a permit shall perform the following:

- (1) Review all development plans to assure that the permit requirements of this chapter have been satisfied and that all new construction and substantial improvements will be reasonably safe from flooding.
- (2) Advise developer that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with this chapter, then the applicant shall submit additional information as necessary for the department to review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other sources in order to administer the requirements of this chapter.
- (4) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (5) For any altered or relocated watercourse, submit engineering data/analysis within six months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (6) Require that maintenance is provided within the altered relocated portion of such watercourse so that the flood-carrying capacity is not diminished.
- (7) When flood proofing is utilized for a particular nonresidential structure, the Floodplain Administrator shall ensure that certification from a registered professional engineer or architect has been provided.
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of Special Flood Hazard, the Floodplain Administrator shall make the necessary interpretation.
- (9) Request additional information of applicant and/or undertake additional studies deemed necessary in order to render a decision.
- (10) Make substantial damage determinations following a flood event or any other event that causes damage to structures in Areas of Special Flood Hazard.

Sec. 8-2-6. Variances and appeals.

- (a) *Variances.* The Athens-Clarke County Hearings Board shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this chapter. A formal written application for a variance shall be filed with the Public Works Director for submittal to the Athens-Clarke County Hearings Board created in title 9 of the Code of Athens-Clarke County.

- (1) The following procedures shall apply to all applications:
  - a. The application for variance shall state the specific variances sought and the reasons for their granting.
  - b. It shall be the applicant's responsibility to provide sufficient justification for granting the variance.
  - c. The Floodplain Administrator shall prepare an evaluation statement concerning each application for variance. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the variance request. The evaluation statement may include recommendations by the Department of Transportation and Public Works concerning the variance to the Hearings Board.
  - d. In passing upon such applications, the Athens-Clarke County Hearings Board shall consider all technical evaluation and relevant factors presented by the applicant and the government and the standards specified below.
  - e. If a variance is granted, it shall be granted upon findings by the Hearings Board that the following standards have been met:

1. A determination that the applicant has made a showing of good and sufficient cause; and
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  3. A determination that the granting of a variance will not result in increased flood heights, threats to public safety and extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
  4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- f. After hearing and upon consideration of the application, evidence and applicable law, the Athens-Clarke County Hearings Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - (3) Variances may be issued for the reconstruction, rehabilitation or restoration of historic structures, upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure without regard to the procedures set forth in the remainder of this section.
  - (4) Any applicant to whom a variance is granted within the Area of Special Flood Hazard shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - (5) The Floodplain Administrator shall maintain records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
  - (6) *Appeals of variance decisions.* The procedure for appealing variances shall be those set forth in the Zoning Ordinance.
- (b) *Denials of permits; appeals.*
- (1) All denials of a permit under this chapter shall be accompanied by a copy of a report from the Floodplain Administrator stating the purpose for which a permit has been denied.
  - (2) Upon filing a written notice of appeal, any person aggrieved by the decision of the chief building official or Floodplain Administrator, under this chapter, shall be entitled to a hearing before the Administrative Hearing Officer pursuant to the provisions of section 1-5-1.
  - (3) Appeals of the decision of the Administrative Hearing Officer. Appeals of the decision of the Administrative Hearing Officer shall be as provided by state law.

#### Sec. 8-2-7. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### Sec. 8-2-8. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a violation of this chapter. Any person who violates this chapter or fails to comply with any of its requirements shall be guilty of an offense and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be deemed a separate offense.

#### Sec. 8-2-9. Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasion. Flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This chapter shall not imply that areas outside the floodplain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of Athens-Clarke County or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

#### Sec. 8-2-10. Definitions of terms.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.



Words used in the singular shall include the plural, and the plural and the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

*Accessory structure:* means a structure having minimal value and used for parking, storage, and other non-habitable uses, such as garages, carports, storage sheds, pole barns, or hay sheds.

*Appeal:* A request for a review of the chief building official's interpretation of any provision of this chapter or a request for a variance by the Hearings Board.

*Area of shallow flooding:* means a designated AO or AH zone on a community's Flood Insurance Rate Map with base flood elevations from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of Special Flood Hazard:* The land in the floodplain subject to one percent or greater chance of flooding in any given year (also known as the 100-year floodplain). Areas of Special Flood Hazard include those areas officially designated as such by the Federal Emergency Management Agency, and those areas designated by the Unified Government of Athens-Clarke County through engineering analysis and scientific study as areas of Special Flood Hazard. For purposes of this chapter the term "special flood hazard area(s)" is synonymous in meaning with the phrase "Area(s) of Special Flood Hazard."

*Athens-Clarke County Hearings Board:* A board that has been established by the zoning ordinance to hear requests for variances, as defined in this chapter.

*Base flood:* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood level or elevation:* The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

*Basement:* means any area of the building having its floor subgrade (below ground level) on all sides.

*Building:* see definition for structure.

*Chief building official:* The director of the building inspection department or his designee for the Unified Government of Athens-Clarke County.

*Critical Facility:* means any public or private facility, which if flooded, would create an added dimension to a disaster or would increase the hazard to life and health. Critical Facilities include:

- (1) Structures or facilities that produce, use, or store highly volatile, flammable explosive, toxic, or water reactive materials;
- (2) Hospitals or nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;
- (3) Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- (4) Generating plants and other principal points of utility lines.

*Developer:* Any person who acts in his own behalf or as an agent of an owner of property and engaged in alteration of land or vegetation in preparation for construction activity.

*Development:* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, grading, excavation or drilling operations or storage of equipment or materials.

*Development permit:* A permit issued by the building inspection department for development after all of the requirements of this chapter have been satisfied.

*Existing construction:* means for the purpose of determining rates, structures for which the "start of construction" commenced before December 15, 1978. "Existing construction" may also be referred to as "existing structures."

*Existing manufactured home park or subdivision:* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 1, 1992.

*Expansion to an existing manufactured home park or subdivision:* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any sources.

*Flood Insurance Rate Map (FIRM):* An official map of Athens-Clarke County on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazard and the risk premium zones applicable to the community.

*Flood Insurance Study:* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

*Floodplain administrator:* The Director of the Department of Transportation and Public Works or his designee for the Unified Government of Athens-Clarke County.

*Floodplain or flood-prone area:* Means any land area susceptible to flooding.

*Flood-proofed or flood-proofing:* Means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the flood levels which are identified on the flood boundary maps as part of the flood insurance study.

*Highest Adjacent Grade:* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

*Historic structure:* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of Interior, or
  - b. Directly by the Secretary of Interior in states without approved state programs.

*Lowest Floor:* The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable requirements of this chapter.

*Manufactured home:* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

*Manufactured home park or subdivision:* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean Sea Level:* means the average height of the sea for all stages of the tide. It is used as reference for establishing various elevations within the floodplain. For the purposes of this chapter the term is synonymous with National Geodetic Vertical Datum (NGVD).

*National Geodetic Vertical Datum (NGVD):* As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New construction:* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after December 15, 1978, and includes subsequent

improvements to such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced after March 1, 1992 and includes any subsequent improvement to such structures.

*New manufactured home park or subdivision:* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final grading or the pouring of concrete pads) is completed on or after March 1, 1992.

*Owner:* The person in whom is vested the fee ownership, dominion or title of property, the proprietor; this term may also include a tenant, if chargeable under his lease for the maintenance of the property and any agent of the owner or tenant including a developer.

*Recreational vehicle:* means a vehicle which is

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Site development plan:* The plan required to acquire a development, construction or building permit which shows the means by which the developer will conform with applicable provisions of this chapter and other applicable ordinances.

*Start of construction:* Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and walkways or the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

*Structure:* A walled or roofed building, including a liquid or gas storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage:* means damage of any origin sustained by a structure whereby the cost of restoring the structure to the structure's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement:* Any repair, reconstruction or improvement of an existing structure the cost of which equals or exceeds 50 percent of the market value of the existing structure either before the improvement of repair is started or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specification which are solely necessary to assure safe living condition or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Variance:* A grant of relief to a person from specific requirements of this chapter after a hearing by the Hearings Board.

SECTION 2. All ordinances or local laws and parts of ordinances or local laws in conflict with this Ordinance are hereby repealed.

SECTION 3. In the event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The Unified Government of Athens-Clarke County, Georgia hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

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

3.
  - a) ADOPT: The following ordinance (22-09-83) which was presented by title only;
  - b) APPROVE: An agreement for maintenance and reporting of records through the Compliance Engine for fire and life safety systems in Athens-Clarke County as per Attachment #2 of agenda report dated April 26, 2022; and
  - c) Authorize the Mayor and appropriate staff to execute all necessary documents.

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO THE MAINTENANCE AND REPORTING OF RECORDS FOR FIRE AND LIFE SAFETY SYSTEMS IN CHAPTER 3-7.; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and Commission of The Unified Government of Athens-Clarke County, Georgia are charged with the protection of the public health, safety, and welfare of the citizens of Athens-Clarke County; and

WHEREAS, the Unified Government of Athens-Clarke County desires to contract with a third-party inspection reporting system to provide a service to all commercial occupancies in Athens-Clarke County to collect, organize and store all code-required third-party inspections, testing and maintenance records (the "Software"); and

WHEREAS, the Unified Government of Athens-Clarke County shall retain all rights and access to the data collected by the Software; and

WHEREAS, the Unified Government of Athens-Clarke County desires to use the Software to improve efficiencies and the volume of fire and life safety inspections through time savings of staff; and

WHEREAS, the utilization of the Software will enhance fire code compliance.

NOW THEREFORE, the Mayor and Commission of Athens-Clarke County, Georgia hereby ordains and orders that the Code of Athens-Clarke County is hereby amended by adding a section to be numbered 3-7-10, which section reads as follows:

**"Sec. 3-7-10 Maintenance and Reporting of Records for Fire and Life Safety Systems**

(a) Records of all fire and life safety system inspections, tests and required maintenance conducted at the prescribed intervals in the current governing fire codes (Official Code of Georgia Annotated 120-3-3, International Fire Code and National Fire Protection Association standards) shall be maintained on the premises of the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection for the following fire and life safety systems:

- 1) Automatic fire sprinkler system(s)
- 2) Fire alarm system(s)
- 3) Commercial hood cleaning
- 4) Commercial hood suppression system(s)
- 5) Standpipe system(s)
- 6) Smoke control system(s)
- 7) Private hydrant system(s)
- 8) Fire pump(s)
- 9) Spray paint booth(s)
- 10) Emergency generator(s)
- 11) Clean agent suppression system(s)

(b) Records, inspection reports and a code compliance certificate prepared by the Unified Government of Athens-Clarke County approved third-party certified building inspectors shall be maintained on the commercial facility, complex or building premises for a minimum of three (3) years from the date of the inspection.

(c) Copies of all records, inspection reports and code compliance certificates shall be provided to Unified Government of Athens-Clarke County at no cost through a third-party inspection reporting system of the Unified Government of Athens-Clarke County Government's choosing.

(d) The designated third-party inspection reporting system shall charge commercial occupancies a fee of not more than twenty dollars (\$20.00) per system, per annum.

(e) This requirement and the conditions of this section shall apply to all commercial facilities, complexes of buildings, including without limitation to all multi-family dwellings."

**SECTION 2.** It is the intention of the Unified Government of Athens-Clarke County and IT IS HEREBY ORDAINED by the authority of the Mayor and Commission that the provisions of this ordinance

shall become and made a part of the Code of Athens-Clarke County, Georgia; and the codifier is authorized to make the specified addition to the section where appropriate.

SECTION 3. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to a particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared as the intent of Athens-Clarke County Unified Government that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

4. a) ADOPT: The following ordinance(#22-09-84) which was presented by title only;  
  
b) Approve the submission of an application by the Athens-Clarke County Police Department (ACCPD) for the 2022 Byrne Justice Assistance Grant (JAG) as per Attachment #1 of agenda report dated July 25, 2022;  
  
c) Accept the grant funds, if awarded;  
  
d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE FEDERAL JUSTICE ASSISTANCE GRANT PROGRAM FOR LAW ENFORCEMENT EQUIPMENT; 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 Justice Assistance Grant Program for law enforcement equipment. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Inccrease	
Federal Justice Assistance Grant	\$67,779

Expenditures:

Increase:	
Police Department – Operating Expenses	\$67,779

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

5. APPROVE: Reducing the required cash match for Challenge Grant Public Service Community Development Block Grants (CDBG) projects to 25% as per agenda report dated July 27, 2022.
  
6. a) APPROVE: The Local Option Sales Tax Distribution formula for the Unified Government of Athens-Clarke County along with the City of Winterville and the Town of Bogart as noted below as per agenda report dated July 28, 2022;

Athens-Clarke County	98.96%
Winterville	0.92%
Bogart	<u>0.12%</u>
	100.00%

- b) APPROVE: an intergovernmental agreement governing future LOST negotiations with the City of Winterville and the Town of Bogart as per Attachment #1; and
- c) Authorize Mayor Girtz to execute a Certificate of Distribution (Attachment #2) necessary to implement the approved distribution formula for the Local Option Sales Tax.

7. APPROVE: Legislative Review Committee report dated August 5, 2022: Public Utilities’ “One Lot Removed” Water Access Policy (revision to Policy/Procedure Statement WS-011).

8. a) ADOPT the revised Title VI Program Plan, which includes the Limited English Proficiency Plan, as proposed in Attachment #1 of agenda report dated July 28, 2022 to maintain ACCGov compliance with Title VI Civil Rights program requirements as administered through the Georgia Department of Transportation (GDOT).

b) ADOPT GDOT’s Title VI Non-Discrimination Agreement with Assurances as part of the Local Administered Project Certification (Attachment #2);

c) ADOPT GDOT’s Procurement Policy for Federally Funded Projects falling under the Local Administered Project Certificate (Attachment #3);

d) APPOINT the Safety & Risk Administrator as the designated Title VI Coordinator and the Human Resources Director as the Title VI Plan Administrator under the Unified Government of Athens-Clarke County Title VI Plan; and

e) Authorize the Mayor and appropriate staff to sign all related documents.

9. APPROVE: The designation of Bone Dry Roofing as the selected firm for the award of a construction services contract in the amount of \$1,161,836 for the completion of multiple roofs (Fleet Management Building Roof Replacement; Jail Roof Replacement; Clarke County Health Department Roof Replacement); as per agenda report dated July 22, 2022; and authorize the Mayor and appropriate staff to execute all related documents.

10. APPROVE: Appointments to Athens Cultural Affairs Commission

Kimberly Davis	partial term expiring 03-31-2024
Darcie St. Onge	reappointment three-year term expiring 03-31-2025
Donna Brumby	reappointment three-year term expiring 03-31-2025
William “Montu” Miller	reappointment three-year term expiring 03-31-2025

11. APPROVE: Appointment to Athens in Motion Commission

Dr. Dale Van Cantfort - Oconee Rivers Greenway representative

## Old and new business – Discussion

### Public input

The following input was received.

1. John Gurley – opposed change in quorum
2. Linda Ganuth - address homelessness and crime
3. Cindy Freeman – address homelessness and crime
4. David Ellison – supported withdrawal of Olympic Drive rezoning request
5. Patricia Taylor – opposed Olympic Drive rezoning request
6. Joan Rhoden – opposed Olympic Drive rezoning
7. Susan Monteverde – opposed change in quorum
8. Cshanyse Allen - opposed change in quorum
9. Erin Stacer - supported CDBG-CV allocations
10. Allen Jones – supported transit funding

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to approve request for withdrawal of request of Michael Canady/Mill Creek Residential Owners: SFI Land, LLC & Wollmoor Properties, LLC for Rezoning from Employment Center to Mixed Density Residential; From E- (Employment-Industrial) & I\* (Industrial Zoning with Condition) to RM-1 (PD) (Mixed Density Residential, Planned Development on 65.89 acres known as 505 and 515 Olympic Drive. Proposed use is multifamily residential. This will require an amendment to the Future Land Use map from Employment Center to Mixed Density Residential. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Wright, to approve request for withdrawal of request of David W. Matheny/AMT, PC; owner 347 Downtowner, LLC and The Hancock House LLC for special use permit in C-D (WE) (Commercial-Downtown, West End Design Area) on 0.32 acres known as 347 West Hancock Avenue. Proposed use is a fraternity. The motion passed by unanimous vote.

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

- a) Approve the proposed CDBG-CV (Allocation II) awards as shown in Attachment #1 of agenda report revised August 31, 2022;
- b) Direct staff to include the additional contract terms as outlined in Facts and Issues #12;
- c) Adopt the following ordinance (#22-09-85) which was presented by title only; and
- d) Authorize the Mayor and appropriate ACCGov staff to execute all related contracts and documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CORONAVIRUS FUNDS: ALLOCATION II FOR EXPENSES RELATED TO PREVENT AND ADDRESS HOMELESSNESS IN THE COMMUNITY; 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 CDBG – Coronavirus Relief Fund to provide grant funding from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) Coronavirus Funds Allocation II funding for expenses related to prevent and address homelessness in the community. Said Operating and Capital budget is hereby amended as follows:

CDBG – Coronavirus Relief Fund:

REVENUE:

Increase:

Housing & Community Development (HCD)	
Federal Grants	\$893,937

EXPENDITURES:

Increase:

Operating Expenses

Housing & Community Development (HCD)	
Administration and Planning	\$ 90,000
Public Services	<u>\$803,937</u>
Total	\$893,937

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

A motion was made by Commissioner Myers, seconded by Commissioner Denson, to authorize staff to issue a purchase order to The Cloudburst Group to complete the Strategic Plan to Reduce and Prevent Homelessness as a part of the ARPA strategic planning process, at an amount of \$133,116 as per agenda revised August 29, 2022; and, authorize Mayor and staff to execute all related documents. The motion passed by roll call vote with Commissioners Davenport, Link, Wright, Denson, Houle, Edwards, Myers, and Hamby voting YES; and Commissioner Thornton voting NO. (8 YES; 1 NO)

A motion was made by Commissioner Denson, seconded by Commissioner Thornton, adopt the following ordinance (\$22-09-86) which was presented by title only amending ACCGov Transit's FY22 Operating Budget to provide General Fund Contingency support of up to \$225,000 for expenses related to costs incurred for providing transit services that were not funded by anticipated Federal Transit Authority (FTA) grant funds as per agenda report dated July 8, 2022. The motion passed by unanimous vote.

**AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR TRANSIT OPERATING EXPENSES; AND FOR OTHER PURPOSES.**

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

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

Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

EXPENDITURES:

Decrease:

Other General Administration	
General Fund Contingency	up to (\$225,000)

Increase:

Transfers Out/Other Financing Uses	
Transfer to Transit Fund	up to \$225,000

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



A motion was made by Commissioner Edwards, seconded by Commissioner Hamby, to approve award of dental insurance contract to Cigna with an estimated first year annual employee paid premium of \$904,840 based on enrollment of approximately 1,135 employees and 431 retirees as per agenda report revised August 30, 2022; and authorize Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

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

- a) Approve the submission of a grant application to the Solid Waste Trust Fund, Recycling, Waste Reduction, and Diversion Grant program as per agenda report dated August 9, 2022;
- b) Accept the grant funds, if awarded;
- c) Adopt the following ordinance (#22-09-87) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2023 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE EPD RECYCLING, WASTE REDUCTION AND DIVERSION STATE GRANT FOR SOLID WASTE RECYCLING OPERATING AND CAPITAL EXPENSES; 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 EPD Recycling, Waste Reduction and Diversion State Grant for capital and operating expenses for recycling operations in Solid Waste. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

State Grant	\$270,000
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EXPENDITURES:

Increase:

Solid Waste- Operating	\$70,000
Solid Waste- Capital	<u>\$200,000</u>
Total	\$270,000

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

A motion was made by Commissioner Myers, seconded by Commissioner Hamby, to authorize the Transportation and Public Works Department (T&PW) to submit Safe Streets and Roadway For All (SS4A) Implementation Grant Application in the amount of \$1,000,000 to fund Action Transportation Plan as shown on Notice of Funding Opportunity as per Attachment #2 of agenda report dated August 11, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, reference SPLOST 2020 Project #02 Affordable Housing: Added financial commitment for North Downtown Athens Redevelopment Project as per agenda report dated August 29, 2022:

a) Award ACCGov ARPA State and Local Recovery Funds (SLRF) funds to the Athens Housing Authority in the amount of \$4,000,000 for the North Athens Downtown Redevelopment Project from the following sources:

-- Up to \$4,000,000 of ARPA SLRF from the "Affordable Housing" allocation;

b) Direct the Attorney to develop the required subrecipient agreement for the above ARPA funding award for future M&C ratification; and

c) Authorize the Mayor, Manager, and appropriate staff to execute all necessary project-related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Thornton, to DENY first reading of An ordinance under home rule with respect to reducing the quorum requirement for the commission of Athens-Clarke County.

A substitute motion was made by Commissioner Houle, seconded by Commissioner Link, to TABLE this item.

The substitute motion was amended to HOLD until Tuesday, October 4, 2022

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

The substitute motion as amended passed by roll call vote with Commissioners Davenport, Link, Denson, Houle, Edwards, and Myers; voting YES; and Commissioners Wright, Thornton, and Hamby voting NO. (6 YES; 3 NO)

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

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

A motion was made by Commissioner Wright, seconded by Commissioner Myers, to adopt the following resolution designating the Classic Center, located in Athens, Georgia, as an alternative venue for court business under O.C.G.A 15-6-18. The motion passed by unanimous vote.

#### RESOLUTION CONCERNING EXTRA COURTROOM SPACE FOR THE SUPERIOR COURT OF ATHENS-CLARKE COUNTY

WHEREAS, the Western Judicial Circuit was awarded \$1.6M in Judicial American Rescue Plan Act (ARPA) funds to address the backlog of cases that resulted from the COVID-19 pandemic and the Western Circuit anticipates holding additional trials in the future to eliminate the backlog created by the pandemic; and

WHEREAS, The Western Judicial Circuit has four Superior Court judges presiding in Athens-Clarke and Oconee Counties; however, there are only three designated Superior courtrooms in the Athens-Clarke County courthouse which makes it difficult for all four judges to hold court proceedings at the same time in Athens-Clarke County; now, therefore be it

RESOLVED, That The Classic Center located at 300 North Thomas Street, Athens, Georgia is a suitable place for holding trial;

That if necessary the Chief Judge of the Superior Courts of the Western Judicial Circuit may arrange for proceedings of the Athens-Clarke County Superior Court to be held at said location; and

That this resolution is adopted pursuant to Section 15-6-18 of the Official Code of Georgia Annotated.

FURTHER RESOLVED that the Athens-Clarke County Administrator is hereby authorized to pay from government funds, including Judicial American Rescue Plan Act funds, such expenses as are incurred in connection with the use of said facilities of The Classic Center by the Superior Court of Athens-Clarke County.

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

- a) Approve the agreement as per Attachment #1 of agenda report dated August 30, 2022 with the Georgia Department of Human Services, Division of Family and Children Services ( DHS-DFCS);
- b) Authorize the Mayor to execute any additional agreement of the Low-Income Household Water Assistance Program (LIHWAP); 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 Link, seconded by Commissioner Houle, to

- a) Approve the schematic design for the expansion of the Athens Neighborhood Health Center at 402 McKinley Drive as per Attachment #1 of agenda report dated September 1, 2022;
- b) Approve a lease agreement between ACCGov and the Athens Neighborhood Health Center that allows for the expansion of the facility at 402 McKinley Drive as per Attachment #2; and
- c) Authorize the Mayor and appropriate staff to execute all necessary documents.

The motion passed with eight YES votes. Commissioner Thornton abstained.

A motion was made by Commissioner Link, seconded by Commissioner Myers, to adopt the following ordinance (#22-09-88) which was presented by title only. The motion passed by unanimous vote.

**AN ORDINANCE FOR THE THIRTY-THIRD 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, July 20, 2021, August 3, 2021, September 7, 2021, October 5, 2021, November 2, 2021, December 7, 2021, January 4, 2022, February 1, 2022, March 1, 2022, April 5, 2022, May 3, 2022, June 7, 2022, June 14, 2022, July 19, 2022, and again on August 2, 2022; and

**WHEREAS**, the COVID-19 Omicron variant and its progeny (e.g., BA.2 and BA.5), which are even more transmissible than earlier variants, are on the rise globally and in the United States; and

**WHEREAS**, CNN reported on July 14, 2022, that a highly-transmissible new variant, BA.5, has become the leading cause of COVID-19 in the United States in just two months and that immunity from vaccinations or previous infections does not appear to provide much protection from BA.5 (even where someone was recently infected with variants like BA.1 and BA.2), and that experts continue to be concerned that at-home testing obscures the data and that true case increases may be as much as seven to ten times higher; and./

**WHEREAS**, NPR reported on July 15, 2022, that the Mayo Clinic has described BA.5 as “hypercontagious” and that Dr. Gregory Poland, the head of the Mayo Clinic’s Vaccine Research Group, has warned that “Whether you’ve been vaccinated, whether you’ve been previously infected, whether you’ve been previously infected and vaccinated, you have very little protection against BA.5 in terms of getting infected or having mild to moderate infection,” although “You have good protection against dying, being hospitalized or ending up on a ventilator”; 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 currently recommends using a combination of three metrics – new COVID-19 admissions per 100,000 population in the past 7 days, the percent of staffed inpatient beds occupied by COVID-19 patients, and total new COVID-19 cases per 100,000 population in the past 7 days – to assess the COVID-19 Community Level indicating the current level of community transmission; and

**WHEREAS**, as of Thursday, September 1, 2022, the CDC reports that the COVID-19 Community Level in Athens-Clarke County is high;

**WHEREAS**, according to the Georgia Department of Public Health COVID-19 update on Wednesday, August 31, 2022, (the “GDPH Update”) Georgia now has 2,213,523 confirmed cases of COVID-19, including 29,336 confirmed cases in Athens-Clarke County; and

**WHEREAS**, according to the GDPH Update, 32,998 individuals in Georgia have died and 124,272 have been hospitalized after contracting COVID-19; and

**WHEREAS**, Georgia earlier experienced a significant surge in COVID-19 cases due primarily to the Omicron variant, having recorded on January 7, 2022, its highest single-day total of new COVID-19 cases since the pandemic began; and

**WHEREAS**, the White House released a statement on March 3, 2022, indicating that (1) COVID-19 “continues to pose a risk to the American people and our health care system,” (2) that we must “be prepared for possible future variants,” and (3) that terminating the national emergency at this time would “unnecessarily and abruptly curtail the ability... to respond to the COVID-19 pandemic;”

**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 subsequently renewed that declaration on July 22, 2021, August 19, 2021, September 20, 2021, October 21, 2021, November 19, 2021, December 17, 2021, January 18, 2022, February 18, 2022, and March 21, 2022; and

**WHEREAS**, on April 14, 2022, Governor Kemp signed an Executive Order declaring a State of Emergency for Supply Chain Disruptions to address the continuing economic harms caused by the COVID-19 pandemic and subsequently renewed that declaration on May 10, 2022, May 26, 2022, July 1, 2022, and September 1, 2022; and

**WHEREAS**, on February 18, 2022, Joseph Biden, President of the United States, issued notice stating that the national emergency declared on March 13, 2020 (and later extended on both February 24, 2021 and February 18, 2022) concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2022; 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, April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, April 12, 2022, and July 16, 2022; 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 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**, the CDC issued guidance (most recently updated on March 24, 2022) continuing to recommend mask wearing in public indoor spaces regardless of vaccination status in areas with a high community level (and in a medium community level when around those who are at high risk for severe disease) to maximize protection from COVID-19; 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 Twenty-Seventh 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. Indoor Mask Mandate

(a) The provisions of Section 1 of this Ordinance shall only be enforced when the COVID-19 Community Level in Athens-Clarke County is “high” according to the Centers for Disease Control.

(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 1 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 1 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 1.
  - (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 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.

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

#### SECTION 4.

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, October 5, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

#### SECTION 5.

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 6.

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

#### SECTION 7.

Copies of this Ordinance shall be: (1) promptly posted at Athens-Clarke County City Hall, 301 College Avenue, Athens, Georgia; (2) promptly posted on the [www.accgov.com](http://www.accgov.com) website; and (3) provided to any member of the public requesting a copy of this Order.

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

A public hearing was held on request of Chris Church, Freedom from Bondage, Inc., for special use in RM-1\* (Mixed Density Residential with conditions) on .77 acres known as 189, 191, and 193 Highland Park Drive. Proposed use is halfway houses. Type I District 8

Planning Commission recommendation: Approval (6-1)

Note: An application for a zoning decision for a halfway house shall follow the Type I procedure in chapter 9-4 and the hearing provisions set forth in O.C.G.A. §36-66-4, which require that the public hearing be held at least six months and not more than nine months prior to the date of final action on the zoning decision. Therefore, the Mayor and Commission vote on the proposed halfway houses would be scheduled no sooner than March 2023.

#### Public input

There was none.

A public hearing was held on request of Kayla Bare/Koons Environmental Design Owners: 100 Prince Avenue, LLC, for amendment to C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development) on 3.69 acres known as 100 Prince Avenue. Proposed use is commercial event space. Type II District 9

Planning Commission recommendation: Approval (unanimous)

#### Public input

1. Josh Koons – supported.

A motion was made by Commissioner Thornton seconded by Commissioner Houle, to adopt the following ordinance (#22-09- 89) 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 COMPRISING APPROXIMATELY 3.69 ACRES AND LOCATED AT 100 PRINCE AVENUE IN THE C-D (WE) (PD) (COMMERCIAL-DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT); 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 3.69 acres, located at 100 Prince Avenue, Athens, Georgia in the C-D (WE) (PD) (Commercial-Downtown, West End Downtown Design Area, Planned Development) District. Said affected area of property is more fully described in that certain site plan entitled “Site Plan 100 Prince Avenue Chapel Athens” said site plan having a date of July 1, 2022, prepared by Koons Environmental Design Inc., 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 planned development amended by this ordinance is described in that certain ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING THE PARCEL OF LAND AT 134 PRINCE AVENUE FROM C-O (COMMERCIAL OFFICE\_ TO C-D (WE)(PD) (COMMERCIAL DOWNTOWN, WEST END DOWNTOWN DESIGN AREA, PLANNED DEVELOPMENT) AND REZONING THE PARCEL OF LAND AT 134 CHILDS STREET FROM C-O\* (COMMERCIAL OFFICE ZONING WITH CONDITION) TO RM-3 (PD) (MIXED DENSITY RESIDENTIAL, PLANNED DEVELOPMENT),” which was adopted by the Commission on September 14, 2016 (hereinafter the “September 2016 Ordinance”).

The subject parcel comprising approximately 3.69 acres is also known as parcel number 171A2 B002 on the Athens-Clarke County tax maps, being on file and available for pubic 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 master site plan associated with this ordinance and incorporated herein by reference consists of two sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped “Binding 8-9-22”. The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
Site Plan	C200	7/1/2022
Tree Management Plan	C210	7/1/2022

The binding written report associated with this ordinance consists of four pages in total, is entitled “Chapel Athens Proposed Amendment to 100 Prince Master Planned Development,” dated July 1, 2022 and is stamped “Binding 8-9-22”. Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W, Dougherty Street, Athens, Georgia.

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

A public hearing was held on request of Jeff Carter/Carter Engineering Owner: Marguerite Newton Estate; for rezoning from RS-15 (Single-Family Residential) to RS-8 on 26.72 acres known as 4555 Lexington Road. Proposed use is single-family residential. Type II District 1

Planning Commission recommendation: Approval w/conditions (5-1)

Public input



1. Robert Dean – opposed.
2. Rebecca Moore – opposed
3. Jeff Carter – supported
4. Steve Oxmann – supported

A motion was made by Commissioner Davenport, seconded by Commissioner Link, to approve said request with the following additional conditions:

- The development shall be capped at eighty-seven (87) single family units.
- A sidewalk shall be provided along the west side of Woodgrove Drive connecting to and along Highway 78 (Lexington Road) to Woodhurst Drive
- There shall be no single family attached units.

A substitute motion was made by Commissioner. Myers, seconded by Commissioner Thornton, to hold this request until Tuesday, October 4, 2022. The motion passed by unanimous vote.

A public hearing was held on request of Athens-Clarke County Unified Government Owner: Athens-Clarke County Unified Government, for rezoning from G (Government) to C-G (Commercial-General) on 0.48 acres known as 2152 West Broad Street. Proposed use is commercial-general. This will require an amendment to the Future Land Use map from Government to General Business. Type 1 District 3

Planning Commission recommendation: Approval (unanimous)

#### Public input

There was none.

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to adopt the following ordinance (#22-09-90) 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 THE OFFICIAL FUTURE LAND USE MAP OF ATHENS-CLARKE COUNTY BY CHANGING THE DESIGNATION ON APPROXIMATELY 0.48 ACRE OF LAND LOCATED AT 2152 WEST BROAD STREET FROM “GOVERNMENT” TO “GENERAL BUSINESS”; AND FOR OTHER PURPOSES.**

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

SECTION 1. The Official Land Use 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 land use designation on approximately 0.48 acre of land located at 2152 West Broad Street, County tax parcel number 122C1 J017, from “Government” to “General Business,” as more fully shown on Exhibit A, attached hereto and incorporated herein by reference.

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

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

A motion was made by Commissioner Link, seconded by Commissioner Edwards, to adopt the following ordinance (#22-09-91) 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 **REZONING ONE PARCEL OF LAND COMPRISING APPROXIMATELY 0.48 ACRE LOCATED AT 2152 WEST BROAD STREET FROM G (GOVERNMENT) TO C-G (COMMERCIAL GENERAL)**; 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 one parcel of land comprising approximately 0.48 acres located at 2152 West Broad Street, Athens, Georgia from G (Government) to C-G (Commercial General) as shown on Attachment A hereto.

The parcel comprising the subject 0.48 acre tract of land is also known as parcel number 122C1 J017 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 Clerk of Commission's Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

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

Public comments on items other than those listed on this agenda

The following spoke in favor of the /Economic Justice Coalition.

1. Philip Tapley
2. Broderick Flanigan

FROM MAYOR GIRTZ

1. Announced a proclamation will be issued recognizing participation in the Adopt Athens Program  
River Oaks Neighborhood Association
2. Announced reappointment of David Sweat to Advantage Behavioral Health System for a three-year term ending 06-30-2025.
3. Announced appointment of Commissioner Denson as Government Operations Committee Chair.

FROM MANAGER WILLIAMS:

1. Received for information was report of acceptance of grant funding and budget amendment in the amount of \$7,500 for FY2020 Nalozone.

Commissioners Hamby, Edwards, Denson, and Link expressed sympathy to the family of Professor John Waters and expressed appreciation for his community contributions.

Commissioners Thornton, Myers, and Davenport expressed appreciation to Chamber of Commerce for sponsoring recent Tuscaloosa, Alabama trip.

Commissioners Wright and Link recognized the passing of Mr. Art Rosenbaum and recognized his contributions to the community.

FROM COMMISSIONER HAMBY:

1. Requested a traffic study on Milledge Circle reference speeding.

FROM COMMISSIONER THORNTON:

1. Expressed appreciation to Patrick Howard, Timothy Brightwell and Fowler Drive School for assistance with recent public forum sponsored by TPW.

FROM COMMISSIONER MYERS:

1. Stated recent fentanyl crisis seminar with district attorney and police was informative.

FROM COMMISSIONER EDWARDS:

1. Stated Georgia DOT needs to review policy for placement of crosswalks.

FROM COMMISSIONER HOULE:

- Thanks to public commenters
- Support concept of a workers' center and M&C lending support for labor organizing using ARPA & Economic Development resources
- Support action on the requests of the ACC Fire Fighters union
- Note District 6 developments (Mellwood Dr/Mill Center Blvd and 1165 Oglethorpe) at Planning Commission Meeting last Thursday Sept. 1st
- Reminder for public input on Mitchell Bridge/Timothy Rd survey that closes 9/18  
- [accgov.com/atlantahighway](http://accgov.com/atlantahighway)
- Update on Fowler Mill Bridge - GDOT formally committed to partnership on bridge replacement, intermediate repair in the works, bridge should reopen by Spring 2023
- Questions for TPW staff re: ATL traffic lights, Fowler mill Bridge, and Tallassee Road Safety Audit recommendations
- Fri 9/9 - Our 3rd TAD Redevelopment Committee Mtg in City Hall at 3p
- Sat 9/10 - Next District 6 Community Cleanup at Ben Burton Park from 10a-11:30a
- Sun 9/25 - Ribbon Cutting for Solar Panels in Triangle Plaza at 2p
- Wed 9/28 - Next District 6 Town Hall at Cooperative Extension on Cleveland Rd from 6p-8p -  
Focus topic: Homelessness
- Sun 10/2 – PorchFest

FROM COMMISSIONER DENSON:

1. Requested public participate in an online survey regarding broadband access.
2. Suggested a College Avenue Athens Alive Street festival.

FROM COMMISSIONER DAVENPORT:

1. Supported workforce development.
2. Agreed Georgia DOT needs to review crosswalk policy.
3. Requested grass on Whitehall Road be mowed.
4. Stated Prince Avenue pilot project is underway.
5. Thanked staff and public for support of TSPLOST program.

A motion was made by Commissioner Davenport, seconded by Commissioner Link, to adjourn. The motion passed by unanimous vote.

The meeting adjourned at 9:45 p.m.

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Clerk of Commission