

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, December 7, 2021
4:57 p.m.
City Hall

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

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

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

The meeting adjourned at 4:58 p.m.

Clerk of Commission

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Tuesday, December 7, 2021
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, Parker, Link, Denson, Houle, Edwards, Myers, Thornton, and Hamby. Absent: Commissioner Wright.

A motion was made by Commissioner Denson, seconded by Commissioner Edwards, to approve Minutes of meetings of Tuesday, November 2 and Tuesday, November 16, 2021. The motion passed by unanimous vote.

Written communications

Entered into the record was notice of acceptance of an extension of Jennings Mill Parkway (Lullwater Apartments).

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 none.

A motion was made by Commissioner Edwards, seconded by Commissioner Houle, to consent to action on the following 17 items. The motion passed by unanimous vote.

- 1. ADOPT: The following ordinance (#21-12-116) which was presented by title only; authorize the Transportation and Public Works Department (T&PW) to submit an application for the Georgia Transportation Infrastructure Bank Grant, administered by State Road and Tollway Authority (SRTA), in the amount of \$2,000,000 to fund 24% of the Tallassee Road Bridge Replacement Project value as per Attachment #1 of agenda report revised November 18, 2021; and authorize the Mayor and appropriate staff to execute all documents.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE STATE ROAD AND TOLLWAY AUTHORITY GEORGIA TRANSPORTATION INFRASTRUCTURE BANK GRANT FOR EXPENSES RELATED TO THE TALLASSEE ROAD BRIDGE REPLACEMENT PROJECT; 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 State Road and Tollway Authority Georgia Transportation Infrastructure Bank Grant for expenses related to the Tallassee Road Bridge Replacement Project.
Said Operating & Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:	
Increase:	
State Grants:	
SRTA Transportation Infrastructure Bank Grant	\$2,000,000
EXPENDITURES:	
Increase:	
Transportation & Public Works	
Capital Expenses	\$2,000,000

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

- 2. a) ADOPT: The following ordinance (#21-12-117) which was presented by title only;
- b) APPROVE: Award a purchase contract to Yancey Brothers Company in the amount of \$872,471 for a Caterpillar, Inc. Model 826K Landfill Compactor for use by the Solid Waste Department's Landfill Division as per agenda report dated November 1, 2021;
- c) APPROVE: Financing through the Georgia Municipal Association (GMA) Equipment Lease Program for the purchase of the equipment;
- d) AUTHORIZE: Sale of the surplus Solid Waste Landfill equipment; and
- e) AUTHORIZE: The Mayor and appropriate staff to execute all documents related to the purchase.

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR THE SOLID WASTE DEPARTMENT FOR THE PURCHASE OF A LANDFILL COMPACTOR; 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 FY2022 Landfill Enterprise Fund Budget for the purpose of a purchase of a Landfill compactor. Said Operating and Capital budget is hereby amended as follows:

Landfill Enterprise Fund:

Expenditures:

Increase:

Solid Waste Landfill - Capital	\$431,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. ADOPT: The following resolution establishing the Sunday in calendar year 2022 for alcoholic beverage sales for Class D, E & F license holders as authorized by O.C.G.A. § 3-3-7 (r) as per agenda report dated October 28, 2021.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY:

WHEREAS, O.C.G.A. § 3-3-7(r) authorizes the governing authority of a county or a municipality to adopt a resolution or ordinance to authorize the sale of alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on one Sunday during each calendar year, and

WHEREAS, § 6-3-5(i)(10) of the Code of Ordinances of Athens-Clarke County implements the above-described statute, and

WHEREAS, the Mayor and Commission of the Unified Government of Athens-Clarke County desire to so designate one Sunday in 2022 for such purpose,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commission do hereby declare that Sunday, February 13, 2022, is designated as the Sunday during calendar year 2022 when licensees holding Class D, E or F alcoholic beverages licenses may sell alcoholic beverages for consumption on the premises from 12:30 p.m. to 12:00 midnight on such date and until 2:30 a.m. on the following Monday.

4. a) APPROVE: The Transportation and Public Works Department (T&PW) to submit an application, as shown in Attachment #1 of agenda report dated November 5, 2021 for the Georgia Department of Transportation Local Maintenance Improvement Grant (GDOT LMIG) in the amount of \$1,421,676;
 - b) Approve the 2022 LMIG Project List, as shown in Attachment #2, which will partially comprise the Calendar Year 2022 Pavement Maintenance Program (CY22 PMP) Project; and
 - c) Authorize the Mayor and appropriate staff to sign all related application documents.
5. APPROVE and authorize: staff to commit HOME funds in the amount of \$178,840 for use by the Athens Land Trust for the development of affordable rental housing at 863 and 883 Reese Street as shown in Attachment #1 of agenda report dated October 25, 2021; and authorize the Mayor and ACCGov staff to execute all related contracts and documents.
 6. APPROVE: Change order #01 to the construction contract with Astra Group, LLC for unforeseen sub-surface conditions for Trail Creek Crossing (TSPLOST 2018 Project 06 Sub-Project #4) in the amount of \$87,402.97 in conjunction with a 22 day extension on the original contract completion date as per agenda report dated November 2, 2021; and authorize the Mayor and appropriate staff to execute all related documents.
 7. a) APPROVE: Athens-Clarke County Transit Department Public Transit Agency Safety Plan updates as per Attachment #1 of agenda report dated October 22, 2021;
 - b) Authorize the submission of the Athens-Clarke County Transit Department's Public Transit Agency Safety Plan to the Georgia Department of Transportation (GDOT) and Federal

Transit Administration (FTA) for final approval; and

- c) Authorize the Mayor and appropriate staff to execute the resulting Public Transit Agency Safety plan document.
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- 8. APPROVE: Declaration of Unified Government of Athens-Clarke County (ACCGov)-owned vehicles and equipment described in agenda report dated October 27, 2021 as surplus property; and authorize through the Manager the sale of the vehicles and equipment described in Facts and Issues #3 through an internet auction.

 - 9. APPROVE: Approve the purchase of Exagrid backup storage from Corus360 in the amount of \$248,939.10 as per agenda report dated October 29, 2021; and authorize the Mayor and appropriate staff to execute all related documents.

 - 10. APPROVE: SPLOST 2011 Project 23, Sub-Project #9 - Construction contract award – Solar + Storage for ACCGov Family Protection Center as per agenda report dated October 25, 2021:
 - a) Designate Solar Sun World, LLC as the highest scoring proposal for the award of the construction services contract for SPLOST 2011 Project 23, SP #9 – Solar + Storage for ACCGov Family Protection Center;
 - b) Authorize staff to negotiate a final construction services contract with Solar Sun World, LLC for an amount not to exceed \$270,000; and,
 - c) Authorize the Mayor and appropriate staff to execute all related documents.

 - 11. APPROVE: TSPLOST 2018, Project #13, West Broad Area Pedestrian Improvements – West Broad Street and West Hancock Avenue Roundabout Sub-Project #1, preliminary engineering design services task order and concept updates as per agenda report dated October 26, 2021:
 - a) Approve the TSPLOST 2018, Project #13, W. Broad Area Pedestrian Improvements Sub-Project #1, Updated Concept for the Roundabout at West Broad Street and West Hancock Avenue as generally shown on Attachment #1;
 - b) Authorize staff to advance the Updated Concept for the Roundabout at West Broad Street and West Hancock Avenue as generally shown on Attachment #1 to the preliminary design phase following the Georgia Department of Transportation (GDOT) Plan Development Process for State Funded Projects;
 - c) Authorize the Mayor and appropriate staff to continue using the on-call design engineers, Alfred Benesch & Company to continue advancing the project into the preliminary design phase as required by GDOT, with hourly rate design services contract in the amount of \$554,000; and
 - d) Authorize the Mayor and appropriate staff to execute any and all other project related documents, including but not limited to future agreements with GDOT to address landscaping, lighting, maintenance, and permitting.

 - 12. APPROVE: SPLOST 2020 Project 11, Renewable Energy – Proposed project concept, Sub-Project #3 Memorial Park Solar as per agenda report revised November 16, 2021.
 - a) Approve the proposed project concept for SPLOST 2020 Project 11, Renewable Energy – Sub-Project #3 Memorial Park Solar, as described in Facts and Issues #4 through #6;
 - b) Authorize staff to advance the proposed project concept for SPLOST 2020 Project 11, Renewable Energy – Sub-Project #3 Memorial Park Solar directly to the Bid and Award phase;
 - c) Declare that the proposed project concept for SPLOST 2020 Project 11, Renewable Energy –

Sub-Project #3 Memorial Park Solar is not appropriate for public art elements; and,

- d) Authorize the Mayor and appropriate staff to execute all related documents.
13. APPROVE: Michael Baker International to provide a five year Airport On-Call Planning Service to the Athens – Ben Epps Airport as recommended per agenda report dated November 10, 2021; and authorize the Mayor and appropriate staff to execute all contracts and related documents.
14. APPROVE: RS&H, Inc., to provide a five year Airport On-Call Architecture and Engineering Service to the Athens – Ben Epps Airport as recommended by the airport on-call services selection committee members per agenda report dated November 10, 2021; and authorize the Mayor and appropriate staff to execute all contracts and related documents.
15. APPROVE: The new three year agreement as per Attachment #1 of agenda report revised November 30, 2021 of Unified Government of Athens-Clarke County (ACCGov) annual software licensing obligation to Microsoft in the amount of \$422,046.22 to SHI, International through State Contract SWC 99999-SPD-SPD0000060-0003; and authorize the Mayor and appropriate staff to execute all related documents.
16. APPROVE: Keep Athens-Clarke County Beautiful appointments for partial terms ending June 30, 2023.
- Joshua Podvin
Juliet Campbell
Jackie Sherry
17. APPROVE: Community Tree Council appointments
- | | |
|------------------------------|-------------------------------------|
| Shawn Doonan - reappointment | three-year term expiring 12-31-2024 |
| Mary Attaway - reappointment | three-year term expiring 12-31-2024 |
| Sarah Grizzle | three-year term expiring 12-31-2024 |
| Sally (Yvette) Lane-Walcott | three-year term expiring 12-31-2024 |
| Lauren Ward | partial term expiring 12-31-2022 |

A motion was made by Commissioner Parker, seconded by Commissioner Houle, to approve a donation from the Sandy Creek Nature Center of grant funds to the Leisure Services Department designated for the rehabilitation of the exterior restroom of Sandy Creek Nature Center as per agenda report dated November 4, 2021; and adopt the following ordinance (#21-12-118) which was presented by title only. The motion passed by unanimous vote

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE DONATION FUNDING FROM SANDY CREEK NATURE CENTER INCORPORATED THROUGH THE RIVERVIEW FOUNDATION GRANT FOR EXPENSES RELATED TO THE RESTROOM REHABILITATION AT THE SANDY CREEK NATURE CENTER; 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 Grant Special Revenue Fund to provide donation funding from Sandy Creek Nature Center Incorporated through the Riverview Foundation Grant for expenses related to the restroom rehabilitation at the Sandy Creek Nature Center.

Said Operating & Capital budget is hereby amended as follows:
Grant Special Revenue Fund:

REVENUES:

Increase:

Public Donations: \$68,000

EXPENDITURES:

Increase:

Leisure Services

Capital Expenses \$68,000

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

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

- a) Approve the SPLOST 2020 Project 19, Sub-Project #1 Bishop Park Improvements Proposed Project Concept as generally described in Attachment #1 of agenda report revised November 17, 2021;
- b) Authorize staff to advance the project to the schematic design phase in accordance with the approved project concept list;
- c) Approve the Athens Cultural Affairs Commission (ACAC) recommendation that SPLOST 2020 Project 19, Sub-Project #1 Bishop Park Improvements be designated as appropriate for public art (Attachment #3) with a budget amount of \$30,000, for all Sub-Projects, (1% of the proposed construction budget); and
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

Old and new business – Discussion

Public input

The following public input was received.

- 1. Bryn Adamson – opposed Town and Gown lease
- 2. Christine Carpenter – opposed Town and Gown lease
- 3. Matthew Woodruff – supported homeless encampment
- 4. Sandy Metts – supported police department
- 5. Nathan Altman – opposed Town and Gown lease
- 6. Narke Norton – opposed Town and Gown lease
- 7. Megan Westbrook – supported homeless encampment
- 8. Devante Jones – supported homeless encampment and eviction prevention program
- 9. Benjamin Britton – supported homeless encampment and eviction prevention program
- 10. Mara Zuniga – supported homeless encampment
- 11. Steven Mason – supported homeless encampment
- 12. Stephanie Hardy, Athens Alliance Coalition – supported homeless encampment
- 13. Charles Campbell, Athens Alliance Coalition – supported homeless encampment
- 14. Charles Hardy, Athens Alliance Coalition – supported homeless encampment
- 15. Susan Monteverde – opposed homeless encampment
- 16. Broderick Flanigan – supported homeless encampment
- 17. Sarah Gehring – opposed grant for drug task force, supported homeless encampment
- 18. Jason Pratt – supported homeless encampment and eviction prevention program
- 19. Ian Van Giesen – supported homeless encampment and eviction prevention program
- 20. Joe Block – opposed homeless encampment

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

- a) Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2021 Existing Local Project Grant as per agenda report dated October 25, 2021;
- b) Accept the grant funds, if awarded;
- c) Authorize the continuation of four Athens-Clarke County Police Department (ACCPD) sworn officer positions in the Northeast Georgia Regional Drug Task Force, consistent with the grant award;
- d) Adopt the following ordinance (#21-12-119) which was presented by title only; and
- e) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

A substitute motion was made by Commissioner Link, seconded by Commissioner Parker, to explore alternate uses of the grant that further the goals and objectives of the Commission, such as addiction treatment.

Commissioner Parker withdrew her second. Commissioner Denson made a second to the substitute motion.

The substitute motion failed by roll call vote with Commissioners Parker, Link, Denson, and Edwards voting YES; and Commissioners Davenport, Houle, Myers, Thornton, and Hamby voting NO. (4 YES; 5 NO)

The original motion passed by roll call vote with Commissioners Davenport, Link, Denson, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioners Parker and Houle voting NO. (7 YES; 2 NO)

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) BYRNE JUSTICE ASSISTANCE EXISTING LOCAL PROJECT GRANT PROGRAM FOR EXPENSES RELATED TO FOUR INVESTIGATOR POSITIONS DIRECTLY SUPPORTING EFFORTS OF THE NORTHEAST GEORGIA DRUG TASK FORCE; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Byrne Justice Assistance Existing Local Project Grant Program for expenses related to four Investigator positions directly supporting efforts of the Northeast Georgia Drug Task Force.

Said Operating & Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:

CJCC Byrne Justice Assistance Existing Local Project Grant	\$139,460
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EXPENDITURES:

Increase:

Police Department: Personal Services	\$139,460
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A motion was made by Commissioner Houle, seconded by Commissioner Parker, to HOLD until Tuesday, January 4, 2022: 5100 Atlanta Highway - Private pump station and force main. The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Denson, to HOLD until Tuesday, January 4, 2022: Community benefit agreements submitted by agencies wishing to qualify for rent reduction for use of ACCGov facilities. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Davenport, to adopt three ordinances for text amendments for subdivision and tree management standards. There was a roll call vote with Commissioners Davenport, Denson, Edwards, Myers, and Thornton voting YES; and Commissioners Parker, Link, Houle, and Hamby voting NO. (5 YES; 4 NO)

Clerk's note: Per Charter Section 2-202 (d) The adoption of any ordinance shall require a vote of at least six (6) affirmative votes. Therefore neither of the proposed ordinances were adopted.

A motion was made by Commissioner Denson, seconded by Commissioner Link, to PASS OUT WITH NO ACTION: Award contract for medical stop-loss coverage. The motion passed by unanimous vote.

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

- a) Designate Architectural Collaborative, LLC (Arcollab) as the highest scoring proposal for the award of the design services contract for SPLOST Project 22, Youth and Community Enrichment Facility as per agenda report revised November 2011, 2021;
- b) Authorize staff to negotiate a final design services contract with Architectural Collaborative, LLC (Arcollab) for an hourly contract with a not-to-exceed amount of \$350,000 for Phase I and Phase II Design Services (See Facts and Issues #8); 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 Hamby, seconded by Commissioner Davenport, to

- a) Approve a designation of Lose Design as the highest scoring firm for professional design and construction administration services for the Bishop Park Improvements (SPLOST 2011 Project 19 Sub-Project #1) as per agenda report revised November 22, 2021;
- b) Authorize the Manager and staff to negotiate with Lose Design to develop a final scope of services and fees for a not-to-exceed contract amount of \$388,000; 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 Myers, seconded by Commissioner Houle, to

- a) Approve the proposed project concept for Sub-Project #2, SPLOST 2020 Project 11 Renewable Energy Project, Electric Vehicle Accelerator, as described in Attachment #1 and Facts and Issues #17 of agenda report revised November 16, 2021;
- b) Authorize staff to advance the sub-project directly to the bid and award phase;
- c) Approve the designation of SPLOST 2020 Project 11 Sub-Project #2 as not appropriate for public art (Attachment #2); and,
- d) Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Hamby, to approve a Solid Waste Department Landfill Division on-call professional services contract with Atlantic Coast Consulting, Inc., for the period January 1, 2022 through December 31, 2022 with annual renewal options through January 1, 2027 as per agenda report revised November 24, 2021; and 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 Parker, to HOLD: Adoption of certified map with amended Commission district boundaries. The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Denson, Houle, Edwards ,Myers, and Thornton voting YES; and Commissioner Hamby voting NO. (8 YES; 1 NO).

A motion was made by Commissioner Thornton, seconded by Commissioner Parker, as per agenda report dated November 9, 2021 to

- a) Approve the Vaccine Incentive Program contract award for East Athens Development Corporation (Attachment #1) in the amount of \$240,000;
- b) Approve the Vaccine Incentive Program contract award for Athens Neighborhood Health Center (Attachment #1) in the amount of \$100,000;
- c) Adopt the following ordinance (#21-12-120) which was presented by title only; and
- d) Authorize the Mayor and ACCGov staff to execute all related contracts and documents.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE AMERICAN RESCUE PLAN (ARP)CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO PROVIDE A COVID-19 VACCINE INCENTIVE PROGRAM TO LOCAL HEALTHCARE PROVIDERS; 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 American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund Operating Budget to provide funding to provide a Covid-19 Vaccine Incentive Program to Local Healthcare Providers.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

REVENUES:

Increase:	
Federal Grants:	
American Rescue Plan-CSLFRF	\$500,000

EXPENDITURES

Increase:	
Other General Administration:	
Vaccine Incentive Prg (local providers)	\$500,000

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

A motion was made by Commissioner Link, seconded by Commissioner Thornton, to adopt the following ordinance (#21-12-121) which was presented by title only to allocate Coronavirus State and Local Fiscal Recovery (aka ARPA) funds and General Fund Resiliency Package funds for the purposes of supplying and operating the homeless encampment and non profit capacity building, respectively.

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

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE AMERICAN RESCUE PLAN (ARP)CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR THE SANCTIONED HOMELESS ENCAMPMENT PROVIDER CONTRACT; 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 American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund Operating Budget to provide funding for contract for the operation of a sanctioned homeless encampment and funding for nonprofit capacity building services.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

REVENUES:

Increase:	
Federal Grants:	
American Rescue Plan-CSLFRF	\$2,542,691.25

EXPENDITURES

Increase:	
Housing & Community Development (HCD):	
Housing Support (EC 3.11)	
Operating Expenses	\$2,542,691.25

General Fund:

EXPENDITURES

Decrease:	
Resiliency Package -	
Indigent Services	(\$25,000)
Increase:	
Resiliency Package -	
Nonprofit Capacity Building Services	\$25,000

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

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

- a) Approve Athens Alliance Coalition as the sole and most responsive offeror to the Sanctioned Homeless Encampment Provider Request for Proposal (RFP) solicitation as per agenda report dated December 4, 2021;
- b) Approve a contract (Attachment #1) with the Athens Alliance Coalition for the operation of a Sanctioned Homeless Encampment (Encampment) for an initial 12 month period and potential 10 month renewal, the full 22 month period contract cost of \$2,542,691;
- c) Approve an additional \$25,000 for Non-Profit Capacity Building for Athens Alliance Coalition of General Fund Resiliency Package funds in conjunction with this award;
- d) Approve a lease (Attachment #3) with the Athens Alliance Coalition for the property located at 1000 Barber Street for the operation of the encampment; and
- e) Authorize the Mayor and ACCGov staff to execute all contracts and related documents.

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

A motion was made by Commissioner Thornton, seconded by Commissioner Denson, to adopt an ordinance to allocate American Rescue Act State and Local Fiscal Recovery Funds (ARPA) funds for

the purposes of AFDC operating the Eviction Prevention Program (EPP) and providing direct assistance to eligible households.

Commissioner Thornton amended her motion as follows.

- a) Approve a contract as per Attachment #1 of agenda report dated November 11, 2021, with Athenian First Development Corporation (AFDC) for the operation the Eviction Prevention Program (EPP);
- b) Adopt the following budget ordinance (#21-12-122) which was presented by title only to allocate American Rescue Act State and Local Fiscal Recovery Funds (ARPA) funds for the purposes of AFDC operating the EPP and providing direct assistance to eligible households; and
- c) Authorize the Mayor and ACCGov staff to execute all contracts and related documents.

The motion as amended passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FROM THE AMERICAN RESCUE PLAN (ARP)CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS FOR THE EVICTION PREVENTION PROGRAM CONTRACT; 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 American Rescue Plan (ARP) Coronavirus State and Local Fiscal Recovery Funds Special Revenue Fund Operating Budget to provide funding for an eviction prevention program with an agency partner to coordinate with Magistrate Court, landlords, and tenants to prevent evictions and to provide rental assistance to households in need.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

REVENUES:

Increase:

Federal Grants:

American Rescue Plan-CSLFRF \$2,425,000

EXPENDITURES

Increase:

Housing & Community Development (HCD):

Household Assistance (EC 2.5)

Operating Expenses \$2,425,000

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

New business – Consider under suspension of Rules

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

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

- a) Authorize the Mayor and appropriate staff to enter into a settlement agreement with the Lantern Walk Homeowner’s Association to provide back payment in the amount of \$4,990.15 for historical bills incorrectly charged to the HOA, in substantially the same form as Attachment #1 of agenda report dated November 29, 2021; and
- b) Adopt the following ordinance (#21-12-123) amending the FY22 Operating Budget to provide General Fund Contingency in the amount of \$4,990.15 for expenses related to the Lantern Walk settlement agreement in the Transportation & Public Works Department.

The motion passed by roll call vote with Commissioners Davenport, Parker, Link, Houle, Edwards, Myers, and Thornton voting YES; and Commissioners Denson and Hamby voting NO,. (7 YES; 2 NO).

AN ORDINANCE TO AMEND THE FY2022 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR EXPENSES RELATED TO THE LANTERN WALK STREETLIGHT SETTLEMENT AGREEMENT IN THE TRANSPORTATION & PUBLIC WORKS DEPARTMENT; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the General Fund Operating Budget to provide funding for expenses related to the Lantern Walk streetlight settlement agreement in the Transportation & Public Works Department.

Said Operating and Capital budget is hereby amended as follows:

General Fund:

EXPENDITURES:

Decrease:	
Other General Administration	
General Fund Contingency	\$4,990
Increase:	
Transportation & Public Works Department	
Operating Expense	\$4,990

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

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to adopt the following resolution. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA (THE "COUNTY") AGREEING TO BE BOUND BY THE MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF GEORGIA AND CERTAIN LOCAL GOVERNMENT ENTITIES CONCERNING THE NATIONAL DISTRIBUTOR AND J&J SETTLEMENTS AND DIRECTING THE EXECUTION OF THE "ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING," "SUBDIVISION DISTRIBUTOR SETTLEMENT PARTICIPATION FORM," AND "JANSSEN SETTLEMENT PARTICIPATION FORM."

WHEREAS, the County initiated litigation against certain manufacturers and distributors of prescription opioids in *In re: National Prescription Opiate Litigation*, MDL 2804, to hold them accountable for the opioid epidemic and to seek equitable and monetary relief;

WHEREAS, opioid distributor defendants McKesson Corporation, AmerisourceBergen Corporation, and Cardinal Health, Inc. ("Settling Distributors"), and opioid manufacturer defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. ("J&J") have separately reached settlement frameworks (otherwise known as the "National Distributor Settlement" and "J&J Settlement") with certain states and local government entities that the State of Georgia and Georgia's local government entities have the option to join;

WHEREAS, the State of Georgia and certain Georgia local government entities seek to enter a Memorandum of Understanding that would enable them to join the National Distributor and J&J Settlements and maximize the recovery to the State of Georgia and Georgia local government entities from those settlements; and

WHEREAS, the County desires to agree to be bound by the Memorandum of Understanding and to participate in the National Distributor and J&J Settlements.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA AS FOLLOWS:

Section 1. The Commission of Athens-Clarke County, Georgia, as the governing body of the County, hereby agrees to be bound by the Memorandum of Understanding between the State of Georgia and certain Georgia local government entities concerning the National Distributor and J&J Settlements.

Section 2. The Commission of Athens-Clarke County, Georgia, as the governing body of the County, hereby agrees to participate in the National Distributor and J&J Settlements.

Section 3. The Commission of Athens-Clarke County, Georgia, hereby appoints Mayor Kelly Girtz as the duly-appointed representative of the County for the purposes of agreeing to be bound by the Memorandum of Understanding and participating in the National Distributor and J&J Settlements.

Section 4. The Commission of Athens-Clarke County, Georgia, directs the duly-appointed representative of the County to execute the “ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND BY MEMORANDUM OF UNDERSTANDING,” attached hereto and incorporated herein as Exhibit A.

Section 5. The Commission of Athens-Clarke County, Georgia, directs the duly-appointed representative of the County to execute the “Subdivision Distributor Settlement Participation Form,” attached hereto and incorporated herein as Exhibit B.

Section 6. The Commission of Athens-Clarke County, Georgia, directs the duly-appointed representative of the County to execute the “Janssen Settlement Participation Form,” attached hereto and incorporated herein as Exhibit C.

Section 7. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 8. This Resolution shall be in full force and effect from and after its adoption as provided by law.

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

- a) Approve the Superior Court’s Criminal Justice Coordinating Council Grant (CJCC) application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$45,000 to fund for calendar year (CY) 2022 as per agenda report dated November 23, 2021:
 - i. one authorized full-time Clerk position in the Clerk of Courts Office;
- b) Adopt the following ordinance (#21-12-124) which was presented by title only; and
- c) Authorize the Mayor and appropriate staff to execute all related documents.

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 GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR PERSONAL SERVICE AND OPERATING EXPENSES FOR DOMESTIC VIOLENCE CASE SUPERVISION; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council for personal service and operating expenses for domestic violence case supervision and processing. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:	
Stop Violence Against Women Grant (CJCC)	\$60,000

EXPENDITURES:

Increase:	
Superior Court- Personal Services	\$45,000
Clerk of Courts- Personal Services	<u>\$15,000</u>
Total	\$60,000

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

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

- a) Approve the Athens-Clarke County Police Department's (ACCPD) submission, and if awarded, acceptance of a competitive grant award from the Georgia Criminal Justice Coordinating Council (CJCC) in the amount of up to \$90,000 to provide partial funding for four investigators and a records clerk in an effort to prevent and reduce crimes of violence against women as per agenda report dated November 24, 2021;
- b) Approve continuation of four full-time authorized investigator positions and a records clerk position through the remainder of CY2022 at an annual cost of \$246,000;
- c) Adopt the following ordinance (#21-12-125) which was presented by title only; and
- d) Authorize the Mayor and appropriate staff to execute all documents related to the grant.

The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE FY2022 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, FROM THE GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL'S (CJCC) STOP VIOLENCE AGAINST WOMEN ACT (VAWA COMPETITIVE GRANT PROGRAM FOR EXPENSES RELATED TO FOUR INVESTIGATOR POSITIONS AND A RECORDS CLERK DIRECTLY SUPPORTING EFFORTS TO PREVENT AND REDUCE CRIMES OF VIOLENCE AGAINST WOMEN; AND FOR OTHER PURPOSES.

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

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, from the Georgia Criminal Justice Coordinating Council's (CJCC) Stop Violence Against Women Act (VAWA) Competitive Grant Program for expenses related to four Investigator positions and a records technician directly supporting efforts to prevent and reduce crimes of violence against women. Said Operating budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
CJCC STOP VAWA Competitive Grant up to \$90,000

EXPENDITURES:

Increase:
Police Department:
Personal Services up to \$90,000

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

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to HOLD until Tuesday February 1, 2022: Neighborhood leaders contract renewal. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Link, to adopt the twenty-fourth declaration of a local state of emergency ordinance with the original language as 23rd reinserting the requirement for face masks on private property. The motion passed by unanimous vote and the following ordinance (#21-12-126) which was presented by title only was declared adopted.

AN ORDINANCE FOR THE TWENTY-FOURTH 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, and again on November 2, 2021; and

WHEREAS, the COVID-19 Delta variant has created a new surge in cases in Georgia and Athens-Clarke County; and

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

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

WHEREAS, as of Wednesday, December 1, 2021, the CDC reports that the prevalence of confirmed cases in Athens-Clarke County of COVID-19 is 561.43 cases per 100,000 persons in the past seven (7) days;

WHEREAS, based upon this metric, Athens-Clarke County is currently experiencing a "substantial" level of community transmission"—i.e. 50-99.90 new cases per 100,000 persons in the past seven (7) days—"high" being the highest level possible); and

WHEREAS, according to the Georgia Department of Public Health COVID-19 update on Tuesday, November 30, 2021, (the "GDPH Update") Georgia now has 1,285,265 confirmed cases of COVID-19, including 17,656 confirmed cases in Athens-Clarke County; and

WHEREAS, according to the GDPH Update, 25,713 individuals in Georgia have died and 89,447 have been hospitalized after contracting COVID-19; and

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

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

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

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

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

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

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

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

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

WHEREAS, this emergency order is authorized by O.C.G.A. §§ 38-3-4 and 38-3-28, which authorize the Mayor and Commission to use emergency powers in O.C.G.A. §§ 38-3-1 through 38-3-64; and

WHEREAS, pursuant to O.C.G.A. § 38-3-6, during an emergency, O.C.G.A. §§ 38-3-1 through 38-3-64 are supposed to be liberally construed to effectuate their purposes; and

WHEREAS, on July 27, 2021, the CDC issued new guidance pursuant to which it recommends that to maximize protection from the Delta SARS-CoV-2 variant and to prevent possibly spreading it to others, persons, including those who are fully vaccinated, should wear a mask indoors in public if they are in an area of substantial or high transmission; and

WHEREAS, requiring the use of masks is a targeted response that can combat the threat to public health using the least restrictive means, and if people follow this requirement, more extreme measures may be avoided; and

WHEREAS, pursuant to Section 1-104 (d) of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the right, duty, power, privilege and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully enumerated herein and to do and perform all of the acts pertaining to its property, affairs and local government which are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions; and

WHEREAS, pursuant to Sub-Sections (36) and (39) of Section 8-114 of the Charter of the Unified Government of Athens-Clarke County, Georgia, the Mayor and Commission have the following additional powers:

(17) Health: To prescribe and enforce health and sanitation standards; and

(36) Emergencies: To provide for the determination, proclamation and combatting of emergencies; and

(39) General health, safety, and welfare: To define, regulate and prohibit any act, practice, conduct or use which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the unified government; and

WHEREAS, the United States Supreme Court has previously held that "[u]pon the principle of self-defense, of paramount necessity, a community has the right to protect itself against an epidemic of disease which threatens the safety of its members; and

WHEREAS, pursuant to this declaration, the Mayor and Commission of Athens-Clarke County, Georgia have determined that it is necessary to continue the previous provisions of its Nineteenth Declaration and to additionally provide that persons within the jurisdiction of the Unified Government of Athens-Clarke County, Georgia, shall wear a mask over the nose and mouth indoors in public as described herein; and

WHEREAS, the following actions related to outdoor restaurant seating areas, outdoor retail areas, and the indoor mask mandate are necessary and appropriate to balance the public's interest in being free from undue restrictions with the compelling public interest of providing for the health, safety, and welfare of residents of Athens-Clarke County and the surrounding communities, particularly those individuals who are members of Vulnerable Populations or Other Populations at Risk; and

WHEREAS, in the judgment of the Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia, with advice from other subject matter experts, there exist emergency conditions as a result of COVID-19 within the geographical boundaries of the Unified Government as described in Section 1-102 of the Charter requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of Athens-Clarke County and the surrounding communities;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia hereby ordains and declares that a local state of emergency continues to exist within the territorial limits of the Unified Government of Athens-Clarke County, Georgia, and shall continue until the conditions requiring this declaration are abated.

NOW, THEREFORE, because of the local state emergency ordained and declared above, the Commission of Athens-Clarke County, Georgia hereby ordains and orders the following:

SECTION 1.

Outdoor Restaurant Seating Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any restaurant possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who are transporting, serving, or consuming alcoholic beverages in an approved outdoor seating area within 100 feet of the outer wall of licensed premises or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in an approved outdoor seating area as described herein.

SECTION 2.

Outdoor Retail Areas

Any provisions of the Alcoholic Beverages Ordinance which prohibit any person from having in his or her possession any alcoholic beverages in any open container be temporarily suspended as it applies to patrons or employees of any licensee possessing a Class D (retail liquor by the drink), D1 (retail liquor by the drink, low volume restaurant), E (retail beer by drink), or F (retail wine by the drink) license who is participating in the Outdoor Retail Area Program pursuant to policy number MGR-008D entitled "A Policy to Extend the Outdoor Retail Areas Pilot Program for the Remainder of 2020," and who are transporting, serving, or consuming alcoholic beverages in the Outdoor Retail Area as approved by the Athens-Clarke County Central Services Department or who are transporting alcoholic beverages across public streets, sidewalks or rights-of-way for the purpose of serving or consuming said beverages in said Outdoor Retail Area.

SECTION 3.

Indoor Mask Mandate

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

(b) For purposes of this Ordinance, the following terms are hereby defined as follows:

(1) *Entity* means any private business, establishment, corporation, non-profit corporation, or organization, including the curtilage thereof.

(2) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.

(3) *Polling place* means the room provided in each precinct for voting at a primary or election.

(4) *Public place* means any place other than a personal vehicle, residential property, or an entity including the curtilage thereof.

(c) Except as otherwise provided in this Ordinance all persons in an entity or a public place shall wear a facial covering or mask over the mouth and nose at all times when indoors.

(d) Facial coverings or masks are not required in the following circumstances:

(1) In personal vehicles or upon residential property;

(2) When a person is alone in enclosed spaces or only with other household members;

(3) When the individual has a bona fide religious objection to wearing a facial covering or mask;

(4) While drinking or eating;

(5) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has a bona fide medical reason for not wearing a facial covering or mask;

(6) When wearing a facial covering or mask would prevent the receipt of personal services or performing work in the course of employment;

(7) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity, such as when purchasing alcohol, tobacco, or prescription drugs or when engaging in a financial transaction;

(8) Children under the age of ten (10) years;

(9) When the individual is having difficulty donning or removing a face mask or face covering without assistance;

(10) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask; and

(e) (1) Every entity subject to this Ordinance which does not consent to enforcement of this Ordinance upon its property shall post a clearly legible sign in one inch Arial font at all public entrances of such entity stating the following: "This location does not consent to enforcement of any local face covering requirement upon this property."

(2) If an entity does not post the signage described in subparagraph (1) of this paragraph it shall be conclusively presumed to have consented to enforcement of this Ordinance on its property and failures by individuals to wear facial coverings or masks as required by this ordinance shall be determined to be violations and enforced as contemplated in paragraph (f).

(f) Violations of this Section 3 may be enforced by a notice of ordinance violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:

(1) A person who fails to comply with paragraph (c) of Section 3 of this Ordinance shall be first given a warning and an opportunity to put on a facial covering or mask, leave the entity, or comply with one of the exceptions in paragraph (d) of Section 3.

(2) If the person violating this Ordinance refuses or fails to comply with this Ordinance after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.

(3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by Athens-Clarke County.

(4) Violations of this ordinance shall not be enforced against any entity and shall not be taken against any owner, director, officer, or agent of an entity for the failure of their customers to comply with this ordinance.

(5) Notwithstanding the foregoing, every effort shall be made to bring an individual into voluntary compliance with the terms of this Ordinance prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.

(g) In all locations where facial coverings or masks are not required to be worn pursuant to this Ordinance, they are strongly encouraged to be worn.

SECTION 4.

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

SECTION 5.

This Ordinance shall become effective at 8:00 a.m. on the next day following the Mayor's approval and will continue to be in effect until 11:59 p.m. on Wednesday, January 5, 2022, or until it otherwise extended, rescinded, superseded, or amended by an ordinance of the Commission.

SECTION 6.

Should any provision, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, paragraphs, sentences, or words of this Ordinance as hereby issued shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict with this Ordinance are, to the extent of such conflict, hereby repealed or set aside.

SECTION 7.

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

SECTION 8.

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

A motion was made by Commissioner Myers, seconded by Commissioner Denson, to approve the following appointments as recommended by the Nominating Committee. The motion passed by unanimous vote.

Athens-Clarke County Industrial
Development Authority

Rasche Malcolm - reappointment
Two-year term expiring 12-31-23

Athens-Clarke County Library Board

Alice Hunt – reappointment.
Five-year term expiring 12-31-26

Annice Ritter – reappointment
Five-year term expiring 12-31-26

Charlene Brickman
Five-year term expiring 12-31-26

Board of Assessors

James Gilstrap
Six-year term expiring 12-31-27

Clarke County Board of Health

Kathleen Cason - reappointment
Six-year term expiring 12-31-27

Clarke County Division of Family and
Children Services Board

Rita Raines
Partial term expiring 06-30-24

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

A public hearing was held on request of Josh Koons/Koons Environmental Design Owner: Athens Land Trust, Inc. for amendment to RS-5, A (PD) (Single-Family Residential, Airport Overlay, Planned Development) on 3.22 acres known as 250 Dublin Street. Proposed use is single-family residential subdivision. Type II

Planning Commission recommendation: Approve w/condition (unanimous)

Public input

- 1. Josh Koons – supported.

A motion was made by Commissioner Parker, seconded by Commissioner Link, to adopt the following ordinance (#21-12-127) 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 3.22 ACRES AND LOCATED AT 250 DUBLIN STREET IN THE RS-5, A (PD) (SINGLE-FAMILY RESIDENTIAL, AIRPORT OVERLAY, 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 changing the zoning of a parcel of land comprising approximately 3.22 acres, located at 250 Dublin Street, Athens, Georgia. Said affected parcel is more fully described in that certain site plan entitled “250 Dublin St. Athens, GA 30601” said site plan having an original issue date of July 30, 2021, and last being revised on October 22, 2021, 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 original 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 a parcel of land comprising approximately 3.22 acres located at 250 Dublin Street from RS-5, A (Single Family Residential, Airport Overlay) TO RS-5, A (PD) (Single-Family Residential, Airport Overlay, Planned Development), which was adopted by the Commission on February 5, 2019 (hereinafter the “February 2019 Ordinance”).

The subject parcel comprising approximately 3.22 acres is also known as parcel numbers 172C2 H044 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 thirteen sheets in total, with each sheet being titled and numbered in the lower right hand corner and stamped “Binding 11-9-2021”. The respective title, sheet number and date of each sheet is listed below:

Sheet Title	Sheet number	Date
Site Plan	PD1.0	07/30/21, last revised 10/22/21
Tree Management Plan	PD2.0	07/30/21, last revised 10/22/21
Elevations, Details, & Notes Homes for Lots 1 and 5 elevations	A2.1	10/20/2021
Southern Living Plans Homes for lots 2 and 7 (Reversed) elevations	Walnut Cove 3 of 3	12/03/2001
Home for Lot 3	4	09/02/2021

Front and Right side Elevation		
Home for Lot 3 Rear and Left Side Elevation	5	09/02/2021
Home for Lot 4 Rear and Front Elevation	5	10/20/2021
Home for Lot 4 Left Side Elevation	6	10/20/2021
Home for Lot 4 Right Side Elevation	7	10/20/2021
Home for Lot 6 Rear and Front Elevation	4	10/21/2021
Home for Lot 6 Right Side and Left Side Elevation	5	10/21/2021
Home for Lot 8 Front and Left Side Elevation	4	08/25/2021
Home for Lot 8 Rear and Right Side Elevation	5	08/25/2021

The binding written report associated with this ordinance consists of ten pages in total, is entitled “Amendment to 250 Dublin Street Planned Development,” dated July 30, 2021, last revised October 1, 2021, and is stamped “Binding 11-9-21”. 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. The conditions of zoning associated with this ordinance are as follows:

1. The tree management plan shall be revised to add one additional street tree on or near the property lines between lots 1 and 2, 3 and 4, 5 and 6, and 7 and 8, for a total of four additional trees, with such trees located outside the intersecting driveway sight triangles.

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

A public hearing was held on request of Gerry Whitworth/Whitworth Land Corp. Owner: Christian Eunice Mills Trust for rezoning from AR (Agricultural Residential) to E-I (Employment-Industrial) on 289.476 acres known as 1310 Spring Valley Road. Proposed use is light industrial. Type II

Planning Commission recommendation: Approve w/condition (6-1)

Public input

The following public input was received.

1. Gerry Whitworth – supported.
2. Grant Whitworth – supported.
3. Alex Marchante - opposed.
4. Valarie Porter - opposed
5. Angela Green – opposed.
6. Marlene McKee – opposed
7. Calista Quarterman - opposed
8. Clarence Daniels - opposed
9. Lisa White Rogers – opposed
10. William Rogers – opposed

A motion was made by Commissioner Thornton, seconded by Commissioner Hamby, to approve said rezoning request with the added condition of a 50’ buffer on the Thomas Farms side.

Commissioner Link offered an amendment to eliminate distribution centers as a special use.

The amendment was not accepted.

A motion was made by Commissioner Edwards, seconded by Commissioner Houle, to eliminate distribution centers as a special use. The motion passed by roll call vote with Commissioners Parker, Link, Houle, Edwards, Myers, Thornton, and Hamby voting YES; and Commissioner Davenport voting NO. (8 YES; 1 NO)

A substitute motion was made by Commissioner Myers, seconded by Commissioner Parker, to HOLD this request until Tuesday, January 4, 2022.

The substitute motion passed by unanimous vote.

A public hearing was held on request of Jerry Wood/DuSouth Owner: Sprucewood Builders, LLC for rezoning from RM-1 (Mixed Density Residential) to RM-2 (Mixed Density Residential) on 0.616 acres known as 2855 and 2865 Riverbend Road. Proposed use is duplexes. This will require an amendment to the Future Development Map from Traditional Neighborhood to Mixed Density Residential. Type I

Planning Commission recommendation:
Future Development Map: Deny (unanimous)
Rezoning: Deny (unanimous)

Public input

The following public input was received.

- 1. Huett Smith – supported
- 2. Logan Waters – supported

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to HOLD until Tuesday, January 4, 2022: Amendment to the Future Development Map from Traditional Neighborhood to Mixed Density Residential. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to HOLD until Tuesday, January 4, 2022: Request of Jerry Wood/DuSouth Owner: Sprucewood Builders, LLC for rezoning from RM-1 (Mixed Density Residential) to RM-2 (Mixed Density Residential) on 0.616 acres known as 2855 and 2865 Riverbend Road. The motion passed by unanimous vote.

A public hearing was held on request from Lori Bork Newcomer/Architectural Collaborative Owner: 600 Pulaski Street, LLC for Special Use in C-N (Commercial-Neighborhood) on 2.65 acres known as 600 Pulaski Street. Proposed use is multi-family residential. Type II

Planning Commission recommendation: Approve w/conditions (7-1)

Public input

The following public input was received.

- 1. Lori Bork Newcomer – supported
- 2. Josh Koons – supported.

A motion was made by Commissioner Thornton, seconded by Commissioner Edwards, to approve proposed special use.

Commissioner Houle exited the chamber at 10:20 and returned at 10:22 p.m.

A substitute motion was made by Commissioner Link to HOLD this request until Tuesday, January 4, 2022. The motion died for lack of a second.

The original motion passed by unanimous vote and the following ordinance #21-12-128) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, WITH RESPECT TO SPECIAL USE APPROVAL IN THE C-N (COMMERCIAL–NEIGHBORHOOD) DISTRICT ON THE APPROXIMATE 2.65-ACRE PARCEL OF LAND LOCATED AT 600 PULASKI STREET; AND FOR OTHER PURPOSES.

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

SECTION 1. The map constituting the current C-N (Commercial Neighborhood) district in which is located an approximate 2.65-acre parcel of land at 600 Pulaski Street, Athens, Georgia, is hereby amended to provide for Special Use approval to permit multifamily dwellings on the ground floor without a commercial element, as shown on Attachment A hereto. The subject parcel is more fully described as follows:

All that approximate 2.65-acre parcel of land as described by that certain site plan entitled “Project: 600 Pulaski Street, Athens, GA 30601, Title: Site Plan” dated November 9, 2021, prepared by arcollab Architectural Collaborative, stamped “Binding 11-9-21,” and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

Said approximate 2.65-acre parcel of land at 600 Pulaski Street, Athens, Georgia is designated as tax parcel number 163C4 B002 on the Athens-Clarke County tax map, being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia. The date of this amendment shall be duly noted in the minutes of the Commission meeting.

SECTION 2. The binding site plan associated with this ordinance and incorporated herein by reference consists of three sheets in total, with each sheet being numbered and titled in the lower-right hand corner and stamped “Binding 11-9-21.” The respective number, title, and date of each sheet is listed below.

Sheet No.:	Title:	Date:
SU1.0	Site Plan	11/09/2021
	600 Pulaski Street Special Use Application Front Elevation Northeast and Southeast View	10/01/2021
	600 Pulaski Street Special Use Application Rear (east) Elevation	10/01/2021

The binding site plan associated with this ordinance is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 W. Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance and incorporated herein by reference consists of eleven pages, being entitled “Application Report for the Special Use of 600 Pulaski Street by 600 Pulaski Street, LLC,” dated October 1, 2021, stamped “Binding 11-9-21,” prepared by arcollab Architectural Collaborative, and being on file and available for public inspection in the Office of the Athens-Clarke County Planning Department.

SECTION 3. The conditions associated with approval of the requested special use permit are as follows:

- Should field verification of existing sewer lines determine a conflict with proposed building locations, the developer shall relocate the existing sewer line to accommodate the proposed building location per approval of the Public Utilities Department
- Special Use permit approval shall only apply to the proposed development within the limits of disturbance as shown on the binding site plan.

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

A public hearing was held on proposed text amendment – Single-Family (RS) zone rear setback

Planning Commission recommendation: Approve (7-1)

Public input

There was none.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, to adopt the following ordinance (#21-12-129) 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 SINGLE FAMILY (RS) ZONED PROPERTY DEVELOPMENT STANDARDS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-7-3 of the Code Athens-Clarke County, Georgia, entitled “*General Regulations*,” is hereby amended as follows:

General Regulations of the RS Zone are contained in the table below:

Table 9-7-3	RS-40	RS-25	RS-15	RS-8	RS-5
<i>The following limits apply to subdivision of 2 acres or more and five lots or more in lieu of minimum lot size requirements:</i>		Lots subdivided and receiving final plat approval after December 20, 2000 shall be subject to the following development regulations.			
Minimum rear yard	25 feet	20 feet ⁷	20 feet ⁷	15 feet ⁷	15 feet ⁷

⁷Lots of record existing prior to February 7, 2017 and lots included on subdivision sites review applications approved prior to February 7, 2017 shall be eligible to have a minimum rear setback of 10 feet.

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

Public input on items other than those listed on this agenda

The following public input was received.

- 1. Sam Rafel – supported Fire Department handling all 911 calls.
- 2. Bob Gadd – supported Fire Department handling all 911 calls.

FROM MAYOR GIRTZ:

- 1. Stated the December 14 work session will include a presentation from TSPLOST 2023 Citizens Advisory Committee.
- 2. Stated in January he will be reassigning committee membership.
- 3. Stated information will be forthcoming regarding federal grants.

FROM MANAGER WILLIAMS:

- 1. Shared awards and commendations received by ACC employees.
- 2. Received for information was a report of contracts over \$10,000 awarded for September and October 2022.
- 3. Received for information was a report of manager acceptance of grant funding and budget amendment – Classic Center Cultural Foundation grant.

FROM ATTORNEY DRAKE:

1. Stated the Department of Community of Affairs is requiring an intergovernmental agreement directly between Athens-Clarke County and the Northeast Georgia Food Bank. A revised memorandum of understanding (MOU) will be considered at the January 4, 2022 meeting.

A motion was made by Commissioner Edwards, seconded by Commissioner Davenport, to amend this agenda to include this item of new business. The motion passed by unanimous vote.

New business – Consider under suspension Rules

A motion was made by Commissioner Edwards, seconded by Commissioner Denson, to suspend Rules of Commission for consideration of the Food Bank item.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to authorize Mayor Girtz to extend the current Food Bank Memorandum of Understanding (MOU) pending January final action. The motion passed by unanimous vote.

Commissioners expressed appreciation to retiring Magistrate Court Judge Patricia Barron and departing Inclusion Officer Krystle Cobran, as well as excellent work by ACC employees.

FROM COMMISSIONERS HOULE, EDWARDS, AND MYERS:

1. Requested review of emergency medical services (EMS).

FROM COMMISSIONER DAVENPORT:

1. Congratulated Stephen Bailey who was recently named Transportation and Public Works Director.

FROM COMMISSIONER DENSON:

1. Announced District 5 holiday caroling will begin December 13, 5:30 p.m. at Chapel wood Methodist Church.

FROM COMMISSIONER HOULE:

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

FROM COMMISSIONER MYERS:

1. Thanked Leisure Services for a successful holiday parade.

FROM COMMISSIONER THORNTON:

1. Stated she is working to bring together families of victims of violence.

The meeting adjourned at 11:15 p.m.

Clerk of Commission