

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, December 13. 2022
6:06 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, Link, Denson, Houle, Edwards, Myers and Hamby. Absent: Commissioners Wright and Thornton.

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

Public input. Unless otherwise noted the following public input was in support of the Prince Avenue project.

1. Tony Eubanks
2. Peter Norris
3. Bertis Downs
4. Krista Haag
5. John Wares
6. Brendan Dula
7. Elizabeth DeMarco
8. Elizabeth Lyle
9. Chris Peterson
10. Fred Smith – supported affordable housing
11. Allen Jackson
12. Scott Long
13. Jason Perry
14. David Bradley – consider emergency vehicles on Prince
15. Allison Bracewell McCullick – UGA has concerns
16. Julie Jaeger
17. Ben Jacobs-Nichelson
18. John Devine
19. Michael Goltzer
20. Walter Allen - supported affordable housing
21. Teresa Friedlander
22. Randy Halstead
23. Mark Babcock
24. Kevin Bonanoo
25. Sally Kindewsig
26. Lauren Blais
27. Hosea Foote - supported affordable housing
28. David Hyde – also short term rentals need more study
29. Scott Nesbit – supported short term rentals
30. Emuel Aldridge
31. Elise Stangle

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, to amend the agenda to add consideration of a settlement worth GP's Enterprises. The motion passed by unanimous vote.

Old business

A motion was made by Commissioner Hamby, seconded by Commissioner Link, reference SPLOST 2020 Project 03, Classic Center Arena – Proposed schematic design for Hickory Street parking deck as follows.

- a. Approve the Proposed Schematic Design for the Hickory Street Parking Deck as described and generally illustrated in Attachment #1 of agenda report revised December 7, 2022;
- b. Approve an Intergovernmental Agreement between the Unified Government of Athens-Clarke County (ACCGov) and the Classic Center Authority (CCA) (Attachment #2) that provides for the conveyance of property from ACCGov to CCA for:

- The 2.83 acres identified as Tax Parcel Number 163D3 G002 located at 395 Willow Street in fee simple.
- The 3.065 acres located within Tax Parcel Number 171B2 A008A located at 801 East Broad Street (the “Hickory Street Parking Deck Site”) in fee simple.
- The 0.928 acres identified as Parcel 3 in Exhibit “A” to the February 2020 Agreement and located between the Classic Center Arena Site and the Multi-Modal Transit Center (the “0.928 Acre site”) as Air Rights Leasehold.
- The 0.737 acres identified as “Hickory Street 0.737 acre” on that certain survey entitled “Plat for Unified Government of Athens-Clarke County” by Ben McLeroy & Associates, Inc. dated May 16, 2003, recorded in Plat Book F, Page 367, Athens-Clarke County, Georgia records, in fee simple.
- Ariel and subterranean easement agreement for the air rights over the railroad which agreement is dated July 28, 2020, and recorded in deed book 05023, pages 0241-0267 of the records of Clerk of Superior Court of Athens –Clarke County, Georgia (the “railroad easement site”),and;

c. Authorize the Mayor and appropriate staff to execute all related documents.

Commissioner Denson offered an amendment to the motion to include the following language in Section 2 following the wording Exhibit “B”, provided, however, the Development Sites shall include an affordable housing component in accordance with the presentation to the District Development Committee.

The amendment was accepted.

The motion as amended passed by roll call vote with Commissioners Davenport, Link, Denson, Houle, Myers, and Hamby voting YES; and Commissioner Edwards voting NO. (6 YES; 1 NO)

New business –Consider under suspension of Rules

A motion was made by Commissioner Hamby, seconded by Commissioner Denson, to suspend Rules of Commission. The motion passed by unanimous vote.

A motion was made by Commissioner Hamby, seconded by Commissioner Edwards, reference Services, Training, Officers, Prosecution (STOP) Violence Against Women Act (VAWA) Grant Program - 2023 ACCPD funding as per agenda report dated November 9, 2022.

- 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;
- Approve continuation of four full-time authorized investigator positions and a records clerk position through the remainder of CY2023 at an annual cost of \$246,000;
- Adopt the following ordinance (#22-12-115) which was presented by title only; and
- Authorize the Mayor and appropriate staff to execute all documents related to the grant.

AN ORDINANCE TO AMEND THE FY2023 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 Hamby, seconded by Commissioner Edwards, reference CY2023 Grant Acceptance: Byrne Justice Assistance Grant (JAG) Existing Local Project via Georgia Criminal Justice Coordinating Council (CJCC) as per agenda report dated November 16, 2022.

- a) Approve submission of an application by the Athens-Clarke County Police Department (ACCPD) for, and accept if awarded, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program 2022 Existing Local Project Grant;
- b) 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;
- c) Adopt a budget amendment ordinance (Attachment #1); and
- d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

The motion failed by roll call vote with Commissioners Davenport, Link, Edwards, Myers, and Hamby voting YES; and Commissioners Denson and Houle voting NO. (5 YES; 2 NO). The adoption of an ordinance requires six affirmative votes.

A motion was made by Commissioner Hamby, seconded by Commissioner Myers, reference S.T.O.P. Violence Against Women Grant – Clerk of Court continuation application for 2023 as per agenda report dated November 23, 2022.

- a) Approve the Superior Court's submission of a Criminal Justice Coordinating Council (CJCC) grant application for, and if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$55,000 to be used to fund one Clerk position in the Clerk of Courts Office to handle domestic violence related case processing along with limited training funds for calendar year (CY) 2023;
- b) Approve the continuation of one full-time authorized position for the Clerk of Courts Office for CY 2023;
- c) Adopt the following ordinance (#22-12-117) which was presented by title only providing for \$55,000 for the CJCC Grant. There is a match requirement which will be met by a portion of the salary of the Deputy Clerk supervising this position; and
- d) Authorize the Mayor and appropriate staff to execute all related 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 GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR ONE FULLTIME POSITION AND ASSOCIATED EXPENSES TO SUPPORT CASE PROCESSING OF DOMESTIC VIOLENCE CASES; 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 from the Georgia Criminal Justice Coordinating Council for one fulltime position and associated expenses to support case processing of domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
Stop Violence Against Women Grant (CJCC) \$55,000

EXPENDITURES:

Increase:
Clerk of Courts General Operating Expenses \$55,000

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, reference S.T.O.P. Violence Against Women Grant – Solicitor General’s Office award for 2023 as per agenda report dated November 23, 2022.

- a) Approve the Solicitor General’s submission of a Criminal Justice Coordinating Council (CJCC) grant application for and, if awarded, acceptance of S.T.O.P. Violence Against Women (VAWA) grant funds in the amount of \$70,000 to be used to fund one Domestic Violence Prosecutor position for the prosecution of domestic violence cases in calendar year (CY) 2023;
- b) Approve the continuation of one full-time authorized position for the Solicitor General’s Office specialized domestic violence prosecution in CY23;
- c) Adopt the following ordinance (#22-12-118) which was presented by title only for \$70,000 for the CJCC Grant; and
- d) Authorize the Mayor and appropriate staff to execute all related 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 GEORGIA CRIMINAL JUSTICE COORDINATING COUNCIL FOR TWO FULLTIME POSITIONS AND ASSOCIATED EXPENSES TO SUPPORT DOMESTIC VIOLENCE CASES; 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 from the Georgia Criminal Justice Coordinating Council for two fulltime positions and associated expenses to support domestic violence cases. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES:

Increase:
Stop Violence Against Women Grant (CJCC) \$70,000

EXPENDITURES:

Increase:
Solicitor General Operating Expenses \$70,000

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

A motion was made by Commissioner Denson, seconded by Commissioner Link, to approve Government Operations Committee report - Short term rental dated November 22, 2022 as follows.

- a) Direct staff to prepare a text amendment for Planning Commission consideration of the attached Zoning Ordinance revisions (Attachment #1); and

- b) Approve issuance of an RFP for a third party vendor to monitor and regulate short term rentals.

The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Hamby, to approve American Rescue Plan Act (ARPA) Affordable Housing Phase 1 funding recommendations and adoption of the associated ordinance as per Mayor defined option.

Revenues:

- ARPA Affordable Housing Fund 11,000,000
- ARPA Contingency 1,050,000

Prior Expenses:

- 1,733,334 - NDAP First Allocation
- 160,550 – Affordable Housing Investment Strategy
- 10,000 – Affordable Housing Legal Support
- 16,116 – Amount Reserved for Additional Legal Support (if needed)
- 4,000,000 – NDAP Second Allocation

(5,080,000 Available for Phase I Awards)

Proposed Expenses:

- 1,500,000 – Athens Area Habitat for Humanity, new construction
- 2,750,000 – Athens Land Trust, new construction
- 415,000 – Athens Land Trust, repair and weatherization
- 415,000 – Athens Community Council on Aging, repair and weatherization
- 250,000 – Acceptance Recovery Center, Prince Avenue Project
- 800,000 – East Athens Development Corporation, two homes with housing counseling program

6,130,000 Total Affordable Housing Phase I Funding Allocation

A substitute motion was made by Commissioner Denson, seconded by Commissioner Hamby, to approve recommendations as set forth above and to direct the Manager to produce and release an RFP, structured around the previous Eviction Prevention Program that will utilize at least \$800,000 of the remaining ARPA funds previously allocated to the Eviction Prevention program towards. Approval of an applicant will come back before this body for approval no later than March 7. If the Commission finds there is no appropriate responsive applicant to the RFP then the remaining ARPA funds will be placed into the ARPA contingency bucket.

The substitute motion passed by unanimous vote. The following ordinance (#22-12-119) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE FY2023 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 AFFORDABLE HOUSING PHASE I PROGRAMS; 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 Affordable Housing Phase I programs.

Said Operating & Capital budget is hereby amended as follows:

American Rescue Plan – CSLFRF Special Revenue Fund:

EXPENDITURES

Decrease:

ARPA-CSLFRF Contingency (\$1,050,000)

EXPENDITURES

Increase:

Housing & Community Development (HCD):
Affordable Housing Phase I programs \$1,050,000

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

A motion was made by Commissioner Houle, seconded by Commissioner Myers, reference TSPLOST 2018 Project 16, Prince Avenue Corridor Improvements – Sub –project #1 – Permanent road diet approval and amend project concept.

- a) Approve the permanent installation of Pilot Sub-Project #1 Project Concept into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on Attachment #1 of agenda report dated December 2022;
- b) Amend -Project #1 Project Concept to include the additional improvements as generally described in F&I #19;
- c) Approve a change order to the on-call paving contractor, Pittman Construction, for a not to exceed amount of \$200,000 for the conversion of the Pilot Project Concept as amended into a permanent Road Diet Sub-Project #1 for TSPLOST 2018, Project 16 – Prince Avenue Corridor Improvements Project, as generally shown on Attachment #1 and with the additional improvements as generally described in F&I #19;
- d) Authorize staff to enter into the preliminary plan phase of the project development process to further investigate and mature the peripheral improvement elements generally described in F&I 21 to address long-term safety and operational improvements for the affected section of Prince Avenue with construction cost estimates, and
- e) 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 Edwards, to adopt the following resolution to approve and authorize the settlement of the claims of the estate of Henry Faust. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF THE ESTATE OF HENRY FAUST; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, on or about April 30, 2021, the Estate of Henry Faust (the “Faust Estate”) submitted a Notice of Claim against the Unified Government of Athens-Clarke County, Georgia, alleging that the negligent failure of Athens Clarke County to properly warn Mr. Faust of the hazardous condition of Athens-Clarke County’s roadway was the direct and proximate cause of Mr. Faust’s wrongful death (the “Faust Estate’s Claims”); and

WHEREAS, the A-CC and the Faust Estate desire to voluntarily resolve the Faust Estate’s Claims and all other disputes that may exist between them by compromise and without incurring additional attorney’s fees, expenses, and costs of litigation; and

WHEREAS, without admitting liability or fault, the Commission finds it to be in the best interests of the A-CC to resolve the Faust Estate’s Claims as set forth below;

NOW, THEREFORE, the Commission hereby resolves as follows:

SECTION 1.

The Commission does hereby approve and authorize the payment of the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) in settlement of the Faust Estate’s Claims.

SECTION 2.

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against the Faust Estate’s Claims shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of the Faust Estate’s Claims as described herein.

SECTION 3.

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

SECTION 4.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

SECTION 5.

In the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

SECTION 6.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

A motion was made by Commissioner Edwards, seconded by Commissioner Hamby, to adopt the following resolution to approve and authorize the settlement of the claims of GP's Enterprises, Inc. The motion passed by unanimous vote.

A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF GP'S ENTERPRISES, INC.; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the Unified Government of Athens-Clarke County, Georgia ("A-CC") received funds from the Federal Aviation Administration ("FAA") thru the Georgia Department of Transportation ("GDOT") for the Epps Airport Runway 27 Extension, Phase I Grading and Drainage project (the "Project") which funds have been maintained by A-CC's finance department in a separate account for use on the Project (the "Retainage Account"); and

WHEREAS, on or about January 11, 2013, A-CC contracted with GP to perform the work on the Project; and

WHEREAS, on or about February 22, 2018, A-CC notified GP that A-CC was withholding payment in the amount of \$1,169,157.44 for work performed by GP on the Project based upon liquidated damages assessed against GP and based upon the costs incurred by A-CC for additional engineering services caused by GP's failure to complete the work on time;

WHEREAS, on or about August 28, 2021, GP's Enterprises, Inc. ("GP") provided notice to A-CC of its intent to commence a lawsuit against A-CC to collect payment in the principal amount of \$1,352,699.50 for GP's final quantities on the Project, return of liquidated damages alleged by GP to have been wrongly withheld by A-CC, and release of the engineering costs withheld by A-CC ("GP's Claims"); and

WHEREAS, A-CC and GP desire to voluntarily resolve GP's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

WHEREAS, without admitting liability or fault, the Commission finds it to be in the best interests of A-CC to resolve GP's Claims as set forth below;

NOW, THEREFORE, the Commission hereby resolves as follows:

SECTION 1.

The Commission does hereby approve and authorize the payment of the sum of Eight Hundred and Fifty Thousand and 00/100 Dollars (\$850,000.00) in settlement of GP's Claims, subject to receiving approval from GDOT and the FAA authorizing the use of the principal amount of funds remaining in the Retainage Account.

SECTION 2.

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against GP's Claims shall have authority to negotiate a final resolution of GP's Claims and to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be

prepared, any and all documents necessary to effectuate the resolution of GP's Claims as described herein.

SECTION 3.

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

SECTION 4.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

SECTION 5.

In the event scrivener's errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

SECTION 6.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

Commissioner Hamby exited the meeting at 8:35 p.m.

Mayor Girtz recognized and thanked outgoing Commissioners Link, Denson and Edwards and presented them with an appreciation tray for their service.

Manager Williams thanked outgoing Commissioners and shared accomplishments over the years.

Attorney Drake stated it has been his pleasure to serve.

Commissioners Link, Denson, and Edwards expressed appreciation for the opportunity to serve the community.

Commissioners Davenport, Houle, and Myers thanked outgoing commissioners.

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

The meeting adjourned at 9:15 p.m.

Clerk of Commission