

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Tuesday, March 3, 2020  
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, Wright, Denson, NeSmith, Edwards, Thornton, and Hamby. Absent: Commissioner Herod. Commissioner Thornton came in at 6:05 p.m. and Commissioner Hamby came in at 6:06 p.m.

A motion was made by Commissioner Parker, seconded by Commissioner Denson, to approve Minutes of meetings of Tuesday, February 4 and Tuesday, February 18, 2020. The motion passed with seven YES votes. Commissioners Thornton and Hamby were absent.

#### Written communications

There were no written communications.

#### Recognition

Mayor Girtz stated Keep Athens-Clarke County Beautiful has received the 2019 Affiliate Award of Excellence from Keep America Beautiful.

Each year the Keep America Beautiful National Awards program recognizes the best of the best among their network of community-based affiliates who consistently lead corporate partners and volunteers across the country to deliver cleaner, greener, more beautiful communities. This past year, Keep Athens-Clarke County Beautiful received the **Affiliate Award of Excellence**, which honors KAB affiliates that score 90 or above on their application for the National Affiliate Award. Only five affiliates in a network of over 600 affiliates nationwide received this distinction. Last year alone, KACCB improved upon 22 existing outreach programs, engaged over 1,600 students in environmental education activities, completed over 200 cleanup events, and distributed nearly 700 trees. Successful collaborations include the Loop 10 Beautification project with GDOT and ACC Landscape Management as well as Rivers Alive, Martin Luther King Jr. Day of Service and the Litter Abatement Steering Committee.

The award was accepted by

Stacy Smith, Program Education Specialist  
Carlos Pinto, Litter Abatement Specialist

Consent agenda. Items under this section were discussed at prior public meetings and presented for consideration as a single item. Only one vote was taken.

#### Citizen input

The following citizen input was received.

1. Carol Myers – supported community energy fund and solar for fire station.

A motion was made by Commissioner Wright, seconded by Commissioner NeSmith, to consent to action on the following nine items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#20-03-08) amending Animal Services FY20 budget in the amount of \$106,986: Overtime (\$10,000), Animal Care Maintenance (\$59,978), Housekeeping (\$3,508), Data Processing (\$3,500) and Medical Services (\$30,000) as per agenda report dated February 4, 2020.

AN ORDINANCE TO AMEND THE FY2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR EXPENSES RELATED TO ANIMAL SHELTERING OPERATIONS AND MAINTENANCE IN THE ANIMAL SERVICES 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 best practice standards in animal sheltering operations and maintenance in the Animal Services Department and related expenses. Said Operating and Capital budget is hereby amended as follows:

**General Fund:**

EXPENDITURES:

Decrease:

Other General Administration	
General Fund Contingency	\$106,986

Increase:

Animal Services Department	
Personal Services	\$10,000

Operating Expense	<u>\$96,986</u>
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Total	\$106,986
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2. APPROVE: The permanent installation of a mid-block crosswalk on Hull Street between the University of Georgia (UGA) Hull Street Parking Deck and the UGA Terry College of Business Learning Center, approximately 400 feet north of Baxter Street as shown in Attachment #1 of agenda report revised February 19, 2020.
  
3. APPROVE: a) Award of a contract to purchase a fire engine and associated equipment to Sutphen Corporation for \$614,429.75 as per agenda report dated January 29, 2020;
  - b) Declare the fire engine in the least desirable mechanical condition surplus and authorize their disposal consistent with Unified Government of Athens-Clarke County (ACCGov) policies; and
  - c) Authorize Mayor and appropriate staff to execute all related documents
  
4. APPROVE: A change order in the amount of \$185,263 to reconcile actual installed quantities and amounts paid to Pittman Construction Inc. for the CY18 PMP Project as per agenda report dated January 24, 2020; and authorize the Mayor and appropriate staff to execute all related documents.
  
5. APPROVE: Acceptance of settlement amount between the Unified Government of Athens-Clarke County and GIRMA (The Georgia Interlocal Risk Management Agency) in the amount of \$200,000 for defense of the Class Action Wood, et. al. v. Unified Government of Athens-Clarke County as per agenda report dated February 5, 2020; and authorize staff to facilitate acceptance of payment from GIRMA.
  
6. APPROVE: Policy/Procedure Statement #SUST -001 to cap the amount of energy-related franchise fees used for operating purposes and dedicate the franchise fees collected above the

cap into the Community Energy Fund as per Attachment #1 of agenda report dated January 28, 2020; and authorize the Mayor and appropriate staff to execute all related documents.

7. APPROVE: CSXT construction agreement for TSPLOST 2018 Project #08 Tallassee Road Bridge Replacement as shown in Attachment #1 of agenda report dated January 22, 2020; authorize the Mayor and appropriate staff to execute the necessary agreement and all project related documents; and authorize staff to acquire the necessary right-of-way and easements from CSXT.
  
8. APPROVE: a) Project concept to install solar at Fire Station #4 - SPLOST 2011 Project #23: Sub-Project #7 as per agenda report revised February 26, 2020;
  - b) Authorize staff to advance the project directly to the bid and award phase;
  - c) Accept a rebate of up to \$50,000 from the Georgia Environmental Finance Authority and authorize this rebate added back to SPLOST 2011 Project #23; and,
  - d) Authorize the Mayor and appropriate staff to execute all related documents.
  
9. APPROVE: Appointments to the Athens Cultural Affairs Commission.

Linda Ford	reappointments
Melisa Cahnmann-Taylor	3-year term expiring 03-31-2023
Andrew Salinas	
Helen Kuykendall	
Patrica Green	Partial term expiring 03-31-2021
Montu Miller	Partial term expiring 03-31-2022
Madeline Bates	3-year term expiring 03-31-2023

Old/new business – Discussion

Citizen input

There was no citizen input.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to approve the list of roadways and associated maintenance activities recommended for the CY20 Pavement Maintenance Program (PMP) project, as shown in Attachment #1 of agenda report revised February 26, 2020; and adopt the following project resolution as shown in Attachment #2 authorizing the Mayor and appropriate staff to sign all related contracts, documents, and certifications associated with funding for this project. The motion passed by unanimous vote.

**RESOLUTION CY 2020 PAVEMENT MAINTENANCE PROJECT**

**WHEREAS**, The Mayor and Commission of the Unified Government of Athens-Clarke County have specifically determined and found that it is in the public interest to perform preventive maintenance, rehabilitation or reconstruction on approximately **112 (One Hundred and Twelve)** lane miles of locally maintained roads (hereinafter referred to as “the project”); and

**WHEREAS**, the said project will include funding from the Georgia Department of Transportation, SPLOST 2011 Project # 26, TSPLOST 2018 Project # 07, the FY21 General Fund, and Public Utilities Capital Fund for a total construction budget not to exceed **\$6,234,110** and

**WHEREAS**, The Mayor and Commission of the Unified Government of Athens-Clarke County have further found that the project is necessary and appropriate for the protection of public safety and

serves the general welfare of Athens-Clarke County.

**NOW THEREFORE BE IT HEREBY RESOLVED** that this project is authorized and approved as an official project of the Unified Government of Athens-Clarke County; and

**BE IT FURTHER RESOLVED** that the Mayor, Clerk of Commission, and Manager, or their lawful designees, are hereby expressly authorized to initiate, certify, and sign all documents and to perform all lawful acts necessary to secure funds from the State of Georgia, or the United States of America, or from any department, agency, or subdivision thereof or from any private individual or entity, to defray, in whole or in part, the cost of the said project; and

**BE IT FURTHER RESOLVED** that the Manager or his lawful designees are hereby expressly authorized to acquire appropriate interest or title to all real estate necessary for the reasonable execution of said project, by any means allowed by law including, without limitation, the exercise on behalf of the Unified Government of Athens-Clarke County, of the power of eminent domain;

**BE IT FURTHER HEREBY RESOLVED** that the Manager or his lawful designees are hereby authorized to employ or contract for the professional services of attorneys, accountants, engineers, architects, appraisers, sureties, indemnitors, actuaries, and other professional consultants necessary for the plan, design, construction, execution, and general management of the said project; and,

**BE IT FURTHER HEREBY RESOLVED** that the Manager or his lawful designees are hereby authorized to seek bids or competitive proposals in the newspaper, on radio stations and television stations, or by other means as they deem appropriate or as may be required by law; and

**BE IT FURTHER HEREBY RESOLVED** that the Mayor, Clerk of Commission, and Manager or their lawful designees are hereby authorized to execute and file all documents and certifications necessary for the proper completion of the said project.

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

- a) Adopt the following ordinance (#20-03-09) allocating \$200,000 of General Fund Operating Contingency for the purpose of an emergency reimbursable grant for Advantage Behavioral Health Systems as per Attachment #1 of agenda report dated February 27, 2020;
- b) Approve the intergovernmental agreement between the Unified Government of Athens-Clarke County and Advantage Behavioral Health Systems as per Attachment #3 of said agenda report;
- c) Amend the existing lease agreement to reflect the new terms; and
- d) Authorize the Mayor and staff to execute all necessary documents.

The motion passed with eight YES votes. Commissioner NeSmith recused himself.

AN ORDINANCE TO AMEND THE FISCAL YEAR 2020 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE EMERGENCY ASSISTANCE FUNDING TO ADVANTAGE BEHAVIORAL HEALTH SYSTEMS; 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 to provide emergency assistance funding to Advantage Behavioral Health Systems. Said Operating and Capital budget is hereby amended as follows:

General Fund:

INCREASE:

Independent Agencies:	
Advantage Behavioral Health Systems	\$200,000

DECREASE:

Other General Administration:	
Operating Contingency	(\$200,000)

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

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

- a) Approve the final construction plans for the Athena Drive Emergency Culvert Replacement, as shown in Attachment #1 of agenda report revised February 27, 2020;
- b) Award a construction contract under emergency authorization for the Athena Drive Emergency Culvert Repair to Georgia Development Partners, Inc. for an itemized cost not to exceed \$690,001;
- c) Authorize the extra work contingency allowance in the amount of \$50,000; 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 Denson, seconded by Commissioner NeSmith, to adopt the following resolution. The motion passed by unanimous vote.

**Resolution in Support of Pre-Arrest Diversion Program**

Whereas, it is a goal of the Mayor and Commission of the Unified Government of Athens-Clarke County to create conditions supporting community safety and prosperity; and

Whereas, the Mayor and Commission seek to support a criminal justice system in which collaboration and clear communication lead to better policies, practices, and outcomes; and

Whereas, it has been demonstrated that low-level offenders are less likely to recidivate when they are steered away from incarceration and toward support systems; and

Whereas, resources presently directed toward incarceration for certain offenses could be better directed toward social, medical, and occupational supports; and

Whereas, the Solicitor-General of Clarke County and the Police Chief of the Unified Government of Athens-Clarke County, with support from a wide range of stakeholders including community members, members of the County Commission, the University of Georgia Police Department, the Clarke County School District Police Department, and the Office of Misdemeanor Probation, have developed a Pre-Arrest Diversion Program to create appropriate conditions, consequences, and supports for certain low-level offenses, or those offenses deemed to have stemmed from behavioral health needs; and

Whereas, Pre-Arrest Diversion will allow certain misdemeanor offenses to be addressed and corrected without individuals having to have an arrest on their record, be incarcerated, or go before a judge; and

Whereas, we seek to prioritize cases that stem from mental health challenges in a compassionate, productive way instead of through incarceration and punishment;

Therefore, let it be resolved by the Mayor and Commission of Athens-Clarke County, Georgia that:

There is full support for implementation, direction of resources toward, and occasional review and enhancement of the Pre-Arrest Diversion Program, as outlined in attached exhibit.

A motion was made by Commissioner Parker, seconded by Commissioner Denson, to approve the Nominating Committee report for appointment to the Board of Tax Assessors.

Quaison Payne

Partial term expiring 12-31-21

The motion passed by unanimous vote.

Public hearing and deliberation on a recommendation from the Athens-Clarke County Planning Commission

A public hearing was held on request of Kevin Hamman/TOPO Industries, owner: Fiefays Unlimited, for amendment to I\* (Industrial Zoning with Conditions) on 30.72 acres known as 350, 360 and 380 Will Hunter Road. Type II

Planning Commission recommendation: Denial (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Link, seconded by Commissioner Parker, to DENY request of Kevin Hamman/TOPO Industries, owner: Fiefays Unlimited, for amendment to I (\*Industrial Zoning with Conditions) on 30.72 acres known as 350, 360 and 380 Will Hunter Road. The motion passed by unanimous vote.

Citizen input on items other than those listed on the agenda.

The following citizen input was received.

1. Marvin Broadwater, Sr. – extended invitation to attend Fatherhood Conversation.
2. Dennis Holmes – he is honest.
3. Carol Rogers – supported CDBG funding for Wheels of Hope.
4. Jamaica Miller – supported CDBG funding for Wheels of Hope.
5. Zoe Love – supported parallel ordinance.
6. Drew Warner – supported parallel ordinance.
7. Mark McConnell – concerned about climate change; opposed to Hancock re-striping.

FROM MAYOR GIRTZ:

1. Announced proclamations will be issued recognizing participation in the Adopt-A-Highway program.

Adopting Organization

Location

Classic City Cycling

Prince Avenue between Sunset Drive and Chase Street

Classic City Rollergirls

Newton Bridge Road between Chase Street and Vincent Drive

2. Assigned to Legislative Review Committee: Examine opportunities for local civil rights legislation, modelled on the recent Brookhaven ordinance, and utilizing the Municipal Court and ACC Attorney's Office as support for the prospective ordinance.
3. Introduced newly hired Animal Services Director Kristall Barber who made brief comments.

FROM MANAGER WILLIAMS:

1. Received for information was a report of contract awards in excess of \$10,000 for January 2020.

FROM COMMISSIONER DAVENPORT:

1. Wished everyone a happy Women's History Month.
2. Encouraged participation in upcoming election.

FROM COMMISSIONER PAKER:

1. Encouraged everyone to vote.

FROM COMMISSIONER LINK:

1. Thanked Commissioners Thornton and Hamby for their work on the prosperity package.

FROM COMMISSIONER WRIGHT:

1. Stated she has qualified for reelection.

FROM COMMISSIONER DENSON:

1. Stated next District 5 meeting will be Monday, March 30, 6:00 p.m., at Normal Bar, the topic being zero free transit.

FROM COMMISSIONER EDWARDS:

1. Stated State Botanical Gardens is a beautiful place to visit at this time of year.
1. Stated consideration should be given to negative effects of leaf blowers and elimination of plastic bags.

FROM COMMISSIONER THORNTON:

1. Thanked Omega Psi Phi for Fatherhood Conversation program.
2. Thanked Cedar Shoals student Katie Johnson for her assistance with prosperity package.
3. Stated concern about Boley Drive stormwater issue.
4. Thanked Commissioners Wright, NeSmith, Hamby, and Parker who qualified for reelection.

A motion was made by Commissioner Hamby, seconded by Commissioner NeSmith, to enter into executive session for discussion of real estate acquisition and/or disposal; attorney/client conference to discuss threatened or pending litigation; and personnel matters. The motion passed by unanimous vote.

The meeting adjourned at 7:20 p.m.

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Clerk of Commission