

Unified Government of Athens-Clarke County, Georgia
Tuesday, June 5, 2007
7:00 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in regular monthly business session. Present: Mayor Davison; Commissioners Lowry, Sims, Maxwell, Kinman, Lynn, Jordan, Hoard, Herod, Girtz, and Dodson. No one was absent.

The meeting with was opened with silent meditation.

A motion was made by Commissioner Sims, seconded by Commissioner Girtz, to approve Minutes of meetings of Tuesday, May 1; Thursday, May 10; Thursday, May 17; Tuesday, May 22, 2007; and executive sessions of Tuesday, February 7; and Tuesday, June 6, 2006. The motion passed by unanimous vote.

Written communications

Entered into the record was notification from Public Works Director David Clark of acceptance of streets in the following subdivisions.

Ridge Pointe Subdivision, Phase 1.

Ridge Pointe Drive
Overcup Court
Creek Pointe Drive
Red Maple Drive
Creek Ridge Lane
Old Jimmie Daniel Road (additional right-of-way)

Glenloc Subdivision

Glenloc Circle
Tip Drive
Crossroads Lane
Earl Drive
Spin Drive
Worth Lane
Ariana Drive
Fritz Mar Lane (additional right-of-way)

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.

Citizen input

There was no citizen input.

A motion was made by Commissioner Hoard, seconded by Commissioner Sims, to consent to action on the following 13 items. The motion passed by unanimous vote.

1. ADOPT: The following ordinance (#07-06-026) which was presented by title only.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO SOLID WASTE – RESIDENTIAL COLLECTIONS; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 5-2-5, "Residential collections," paragraphs (a) and (b) of the Code of Athens-Clarke County are hereby amended by deleting said paragraphs (a) and (b) and substituting the following in lieu thereof:

"(a) There is hereby levied and assessed a monthly fee for all residential customers receiving backyard pick up of solid waste and curbside pick up of recycling materials within the confines of the urban service district as defined in section 7-301(a) of the Charter of the Unified Government of Athens-Clarke County. Customers shall pay according to the size and number of solid waste containers as follows:

1 20-gallon container	\$18.00
1 32-gallon container	\$19.00
2 32-gallon containers	\$22.00
3 32-gallon containers	\$28.00
4 32-gallon containers	\$36.00
5 32-gallon containers	\$48.00

(b) There is hereby levied and assessed a monthly fee for all residential customers receiving rollcart curbside pickup of solid waste and curbside pick up of recycling materials within the confines of the urban service district as defined in section 7-301(a) of the Charter of the Unified Government of Athens-Clarke County. Customers shall pay according to the size and number of solid waste containers as follows:

1 20-gallon container	\$13.00
1 32-gallon container	\$14.00
2 32-gallon containers	\$17.00
3 32-gallon containers	\$23.00
4 32-gallon containers	\$31.00
5 32-gallon containers	\$43.00"

SECTION 2. The effective date of this ordinance shall be October 1, 2007.

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

2. ADOPT: The following ordinance (#07-06-027) which was presented by title only; accept a proposed grant from the Georgia Department of Transportation (GDOT) in the amount of \$216,000 for the installation of internally illuminated LED street name signs at identified state and local roadway intersections as per agenda report dated May 4, 2007; and authorize the Mayor and appropriate staff to execute all related agreements, contracts, documents, and certifications associated with this project.

AN ORDINANCE TO AMEND THE FY2007 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING FOR PURCHASE AND INSTALLATION OF INTERNALLY ILLUMINATED STREET NAME SIGNS AT SIGNALIZED INTERSECTIONS; 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 of the fiscal year 2007 Operating and Capital budget of Athens-Clarke County to provide grant funding from the Georgia Department of Transportation (GDOT) for the installation of internally illuminated LED street name signs at a variety of state and local roadway intersections by a grant received by GDOT from the National Highway Traffic Safety Administration. Said Operating and Capital budget is hereby amended as follows:

Grants Special Revenue Fund:

REVENUES

INCREASE:

US Department of Transportation:	
- NHTSA grant (through GDOT)	\$216,000

EXPENDITURES

INCREASE:

Transportation & Public Works Department:	
- Traffic System Improvements	\$216,000

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

3. ADOPT: The following resolution in connection with the FY2008 Annual Transit Planning Assistance grant (Title 49 USC Section 5303) for FY2008; authorize acceptance of the grant if awarded; and authorize the Mayor and appropriate staff to execute the resulting contract with the Georgia Department of Transportation (GDOT). Total grant is \$65,134, (\$52,107 federal, \$6,513 state, and \$6,514 local match from Planning Department FY08 general fund budget.)

AUTHORIZING RESOLUTION

Resolution authorizing the execution of contracts between the Department of Transportation, United States of America, the Georgia Department of Transportation, and the Unified Government of Athens-Clarke County, for a grant under the Title 49 U.S.C., Section 5303, for FY 2008 (July 1, 2007 through June 30, 2008).

WHEREAS, the Secretary of Transportation and the Commissioner of the Georgia Department of Transportation are authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local project costs; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Title 49 U.S.C. the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise, Disadvantaged Business Enterprise and Women Business Enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services; and

WHEREAS, the federal government and the state of Georgia will provide \$58,620 of the funding for the Transit Planning (Section 5303) contract expenses incurred by the Unified Government subject to a local match of \$6,514:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of the Unified Government of Athens-Clarke County:

That the Mayor is authorized to execute and file an application on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the FY 2008 Madison Athens-Clarke Oconee Regional Transportation Study (MACORTS) Unified Planning Work Program.

That the Mayor is authorized to execute and file with such application an assurance or any other document required by the U.S. Department of Transportation and Georgia Department of Transportation effectuating the purpose of this grant;

That Planning Director of Athens-Clarke County is authorized to furnish such additional information as the U.S. Department of Transportation and the Georgia Department of Transportation may require in connection with the application or the project;

That the Mayor is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise), and WBE (Women Business Enterprise) policies and procedures in connection with the projects procurement needs.

That the Mayor is authorized to execute these grant agreements on behalf of the Unified Government of Athens-Clarke County with the Georgia Department of Transportation to aid in the financing of a technical study grant to implement specific items of the MACORTS Unified Planning Work Program.

4. ADOPT: The following resolution.

SUPPLEMENTAL TAX RESOLUTION

A RESOLUTION PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PROVIDE FUNDS FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON \$50,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CLARKE COUNTY SCHOOL DISTRICT (GEORGIA) GENERAL OBLIGATION BONDS, SERIES 2007, DATED THE DATE OF THEIR INITIAL ISSUANCE AND DELIVERY.

WHEREAS, on November 7, 2006, the voters of the Clarke County School District (the "School District"), which embraces all of The Unified Government of Athens-Clarke County, Georgia (the "County"), did, at an election called for that purpose, authorize the imposition, levy and collection of a one percent sales and use tax for educational purposes, beginning immediately upon the expiration of the one percent sales and use tax for educational purposes which was initially approved by a majority of the voters of the School District in March, 1997 and continued by a majority of the voters of the School District in November, 2001 (the "Sales Tax") in the School District and the issuance of general obligation bonds by the School District in the aggregate principal amount of \$50,000,000; and

WHEREAS, as authorized by the voters, the School District proposes to issue \$50,000,000 in aggregate principal amount of Clarke County School District (Georgia) General Obligation Bonds, Series 2007, dated the date of their initial issuance and delivery (the "Bonds"), for the purpose of providing funds to be applied toward the costs of the acquisition of additional real property for future school sites; construction of new school facilities; construction of facilities for vocational instruction; construction of, additions to, renovations of, repairs and improvements to and equipping of existing educational buildings, properties and facilities of the School District, which may include, without limitation, existing schools including, Alps Road Elementary School, Barnett Shoals Elementary School, David C. Barrow Elementary School, Chase Street Elementary School, Cleveland Road Elementary School, Fourth Street Elementary School, Fowler Drive Elementary School, Gaines Elementary School, Oglethorpe Avenue Elementary School, Timothy Road Elementary School, Whit Davis Elementary School, Whitehead Road Elementary School, Winterville Elementary School, Burney-Harris-Lyons Middle School, Clarke Middle School, W. R. Coile Middle School, Hillsman Middle School, Cedar Shoals High School, Clarke Central High School, Clarke County Alternative Education Program, H. T. Edwards Sr. Teaching and Learning Center and Classic City High School - A Performance Learning Center, athletic facilities, transportation facilities (including bus driver training facilities), maintenance facilities and district services facilities; technology upgrades and additions to School District facilities; security upgrades to School District facilities; purchase and/or lease payoff of school buses; conversion of School District facilities currently on septic systems to public sewer; the acquisition and installation of software for administrative and educational purposes; reimbursement of the School District's expenditures for the 10-year strategic plan for facilities; and paying expenses incident thereto, including the payment of any capitalized interest; and

WHEREAS, based on prior sales tax collections in the School District, the School District, acting by and through its governing and controlling body, the Clarke County Board of Education, has determined that revenues produced by the Sales Tax should be sufficient to pay the principal of and interest on the Bonds in full as the same become due and payable; and

WHEREAS, on March 6, 2007, The Commission of the Unified Government of Athens-Clarke County, Georgia adopted a resolution (the "Original Resolution") providing for the levy and collection of a direct annual tax for the years 2007 through 2011 (the "Direct Tax") upon all property, including real property, subject to taxation for school bond purposes and located in the School District, which School District embraces all of the territory comprising The Unified Government of Athens-Clarke County, Georgia, in order to pay the principal of and interest on the Bonds, as the same become due and payable, to the extent that revenues from the Sales Tax are not sufficient to pay the same, with the understanding that the Bonds would be issued bearing interest at rates not to exceed 6.00% per annum and in an aggregate principal amount not to exceed \$50,000,000 and that The Commission of The Unified Government of Athens-Clarke County, Georgia would adopt resolutions supplemental to the Original Resolution as the Bonds are issued, specifying the principal and interest payable annually with respect to the Bonds; and

WHEREAS, the sums levied are irrevocably pledged and appropriated to the payment of the principal of and interest on the Bonds, as the same become due and payable; and

WHEREAS, the Clarke County Board of Education has determined that it is in order to issue the Bonds and proper certifications and recommendations have been made by the Clarke County Board of Education to The Commission of the Unified Government of Athens-Clarke County, Georgia that a direct annual tax be levied and collected by the County for the purpose of paying the principal of and interest on the Bonds as the same become due and payable, to the extent that revenues from the Sales Tax are not sufficient to pay the same; and

WHEREAS, The Commission of the Unified Government of Athens-Clarke County, Georgia has been advised and acknowledges that under the laws of the State of Georgia providing for the calling of a referendum to determine the imposition, levy and collection of a one percent sales and use tax for educational purposes, any bonds authorized to be issued as a part of such referendum will constitute general obligation bonds for which the full faith and credit of the School District is pledged; and

WHEREAS, Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia requires that prior to the issuance of general obligation bonds, a tax be levied in amounts sufficient to pay the principal of and the interest on the Bonds as the same become due and payable, to the extent that revenues from the Sales Tax are not sufficient therefor;

NOW THEREFORE, BE IT RESOLVED by The Commission of the Unified Government of Athens-Clarke County, Georgia, in a meeting duly assembled and open to the public, and it hereby is resolved by authority of same, that The Commission of the Unified Government of Athens-Clarke County, Georgia hereby reaffirms the Original Resolution, providing for the levy and collection of the Direct Tax, in order to pay the principal of and interest on the Bonds, as the same become due and payable, to the extent that revenues from the Sales Tax are not sufficient to pay the same.

BE IT FURTHER RESOLVED, by The Commission of the Unified Government of Athens-Clarke County, Georgia by authority of the same that there be and is hereby levied and collected an additional direct annual tax for the years 2007 through 2011 upon all property, including real property, subject to taxation for school bond purposes and located in the School District, which embraces all of the territory comprising the Unified Government of Athens-Clarke County, in order to pay the principal of and interest on the Bonds, as the same become due and payable, to the extent that revenues from the Sales Tax are not sufficient to pay the same, which tax shall be an amount sufficient to raise the sums in each of the years as more fully set forth in Exhibit "A" attached hereto and made a part hereof. The sums hereby levied are irrevocably pledged and appropriated to the payment of the principal of and interest on the Bonds, as the same become due and payable.

BE IT FURTHER RESOLVED, that the said several sums shall be collected by the Tax Commissioner of the County, in each of said years, and shall be annually paid into a sinking fund to be maintained for and applied to the payment of the principal of and interest on the Bonds, as the same become due and payable, and to the extent necessary, provisions to meet the requirements of Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia shall be made annually thereafter.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that all orders and resolutions in conflict with the resolution this day passed, if any, be and the same are hereby repealed.

5. APPROVE: Renewal of transit contract with University of Georgia for student, faculty, staff, and employee transportation using the Athens Transit System as per agenda report dated April 13, 2007; and authorize the Mayor and appropriate staff to execute all related documents.

6. APPROVE: Award of a unit cost contract for the Off-system Safety Project, both the base and add alternate elements, to Peek Pavement Marking, LLC in an amount not to exceed \$1,082,980 as per agenda report dated May 4, 2007.

7. APPROVE: Establishment of neighborhood notification initiative boundaries: University Heights Community Association and Renfrew Estates Civic Association as per agenda report dated April 25, 2007.

8. APPROVE: Award of a unit price contract to Benton-Georgia, Inc. in the amount of \$1,468,867.01 for construction of the SPLOST 2005 Project #001 Waterline Extension Project - Group "A1" Sub-projects category #1 only as per agenda report dated May 3, 2007; and authorize the Mayor and appropriate staff to execute all related contract documents.

9. APPROVE: Updated East Athens Community Park Master Plan – Phase II-B development project concept and master plan update - SPLOST 2005 Project #006 as per agenda report revised May 22, 2007; approve the implementation plan; and authorize staff to develop preliminary construction plans in accordance with the updated Master Plan, Project Concept, and Project Implementation Plan.

10. APPROVE: Concept of establishing a wetland and stream mitigation bank, owned by the Unified Government of Athens-Clarke County, Georgia, to provide environmental mitigation credits for future Unified Government projects; and authorize staff to begin the site selection process and early federal/state agency coordination for the establishment of the bank.

11. APPROVE: Declaration as surplus government property at 395 Willow Street; authorize staff to begin the rezoning process of said property; authorize staff to begin the process to dispose of said property after rezoning; and designate the proceeds of the sale to the Space Allocation Program capital project as per agenda report dated April 24, 2007.

12. APPROVE: Dudley Park project concept as per agenda report dated April 25, 2007; and authorize staff to develop a preliminary master plan in accordance with the approved project concept.

13. APPROVE: Ben Burton Park project concept as per agenda report dated April 25, 2007; and authorize staff to develop a preliminary master plan in accordance with the approved project concept.

Old/new business – Discussion

Citizen input

There was no citizen input.

A motion was made by Commissioner Girtz, seconded by Commissioner Jordan, to DENY award of a contract for construction of a proposed Environmental Services Building.

A substitute motion was made by Commissioner Sims, seconded by Commissioner Hoard, to authorize an appropriation in the amount of \$5,600,000 from the Water and Sewer Enterprise Fund to set up a capital project entitled "Construction of Environmental Services Building"; award a construction contract to R. W. Allen & Associates, Inc. in the amount of \$4,966,665; and authorize the Mayor and appropriate staff to execute all related contract documents.

The substitute motion passed by roll call vote with Commissioners Sims, Maxwell, Kinman, Lynn, Hoard, Herod, and Dodson voting YES; and Commissioners Lowry, Girtz, and Jordan voting NO. (7 YES; 3 NO)

A motion was made by Commissioner Kinman, seconded by Commissioner Dodson, to authorize staff to begin the abandonment process of the right-of-way associated with a public dirt road that at one time connected Milledge Avenue Extension to South Milledge Avenue as per agenda report revised May 17, 2007. The abandonment process would commence only after staff receives executed easements from Tommy E. Warner and Richard H. Marbut for the area and purposes necessary to provide for possible greenway needs and the existing waterline within the subject

vicinity. The motion passed by roll call vote with Commissioners Lowry, Sims, Kinman, Lynn, Hoard, Girtz, and Dodson voting YES; and Commissioners Maxwell, Jordan, and Herod voting NO. (7 YES; 3 NO)

A motion was made by Commissioner Sims, seconded by Commissioner Hoard, with regard to Leisure Services Department proposed FY08 fees and charges: All fees remain "as is" under the existing policy.

Commissioner Hoard offered an amendment that this issue be discussed at a future work session. The amendment was accepted by Commissioner Sims.

Commissioner Jordan offered an amendment to refer this issue to the Government Operations Committee for a review of both the policy and fees. The amendment was not accepted by Commissioner Sims.

A substitute motion was made by Commissioner Kinman, seconded by Commissioner Dodson, that fees remain "as is" and that a review of the existing policy be referred to the Government Operations Committee.

The substitute motion passed by roll call vote with Commissioners Lowry, Maxwell, Kinman, Lynn, Jordan, Hoard, Herod, Girtz, and Dodson voting YES; and Commissioner Sims voting NO. (9 YES; 1 NO)

A motion was made by Commissioner Sims, seconded by Commissioner Maxwell, to adopt the following ordinance (#07-06-028) which was presented by title only. The motion passed by roll call vote with Commissioners Lowry, Sims, Maxwell, Kinman, Lynn, Hoard, Herod, Girtz, and Dodson voting YES; and Commissioner Jordan voting NO. (9 YES; 1 NO)

AN ORDINANCE WITH RESPECT TO TRAFFIC CONTROL AT THE INTERSECTION OF PETER STREET AND ARCH STREET FOR PURPOSES OF DESIGNATING AN ALL-WAY STOP; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 3-3-50(a)(1)(f) of the Code of Athens-Clarke County, an all-way stop is hereby designated as follows:

"PETER STREET AND ARCH STREET - stop signs shall be placed at the intersection of Peter Street and Arch Street so that all vehicles shall be required to stop at all approaches before entering the intersection."

Said intersection shall be designated as an all-way stop.

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

A motion was made by Commissioner Sims, seconded by Commissioner Kinman, to adopt the following ordinances (#07-06-029, #07-06-030, and #07-06-031) which were presented by title only. The motion passed by roll call vote with Commissioners Lowry, Sims, Maxwell, Kinman, Lynn, Hoard, Herod, Girtz, and Dodson voting YES; and Commissioner Jordan voting NO. (9 YES; 1 NO)

AN ORDINANCE TO PROVIDE FOR THE RAISING OF REVENUES AND THE APPROPRIATION OF FUNDS FOR ATHENS-CLARKE COUNTY, GEORGIA, FOR THE FISCAL YEAR 2008 BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008 TO PROVIDE FOR THE OPERATIONS OF GOVERNMENT DEPARTMENTS, BOARDS, AGENCIES, ELECTED OFFICES, AND OTHER GOVERNMENTAL ACTIVITIES; TO PROVIDE FOR THE LEVEL OF PERSONNEL AUTHORIZED FOR THE VARIOUS DEPARTMENTS AND AGENCIES; TO PROVIDE FOR A CAPITAL BUDGET; TO ESTABLISH 2007 PROPERTY TAX RATES; TO ESTABLISH

COMPENSATION FOR THE CHARTER OFFICERS; TO REPEAL CONFLICTING ORDINANCES;
TO PROVIDE EFFECTIVE DATES; AND FOR OTHER PURPOSES.

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

SECTION 1. Pursuant to Section 7-405 of the Charter, the sums of money as summarized in Exhibit A attached hereto and made a part of this Ordinance, shall be and are hereby adopted as the Operating Budget and the Capital Budget for Athens-Clarke County for Fiscal Year 2008 (FY08), beginning July 1, 2007 and ending June 30, 2008.

SECTION 2. The appropriation of funds for all departments and agencies shall be as provided for in Exhibit A and supporting schedules.

SECTION 3. Each of the Enterprise and Internal Service Funds shall be operated in accordance with Proprietary Fund accounting standards and procedures and shall not be governed by the Governmental Fund budgetary accounting principles; however, the budgetary estimates upon which such budgets are adopted shall be retained in memorandum form for budget control purposes and utilized in the preparation of comparative operating statements.

SECTION 4. The personnel levels provided for in the Personnel Authorization Schedule for all departments and agencies, as provided in the budget document entitled "The Unified Government of Athens-Clarke County FY2008 Annual Operating and Capital Budget July 1, 2007–June 30, 2008" are hereby adopted as the maximum employment levels for such departments and agencies and shall not be increased without the approval of the Mayor and Commission.

SECTION 5. All financial operations shall be accounted for in accordance with Generally Accepted Accounting Principles and Standards.

SECTION 6. In accordance with the Official Code of Georgia Annotated Section 33-8-8, the proceeds from the tax on insurance premiums estimated to be \$5,500,000 for FY08, shall be used for the provision of services to all residents of Athens-Clarke County.

SECTION 7. In accordance with the Official Code of Georgia Annotated Section 46-5-134, the monthly "9-1-1 charge" of \$1.50 per exchange access facility and the \$1.50 per month "wireless enhanced 9-1-1 charge" is reaffirmed for the period July 1, 2007 – June 30, 2008.

SECTION 8. The Manager is further authorized to transfer sums up to \$10,000 from the General Fund Contingency to meet unbudgeted obligations of the Government. The Manager is required to notify the Mayor and Commission of each of these transfers from Contingency at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 9. The Manager is further authorized to transfer sums within each fund's capital budget among projects and accounts up to \$100,000 to meet project obligations of the government. The Manager is required to notify the Mayor and Commission of each of these transfers at the next scheduled regular meeting under the provisions of Section 7-408 of the Charter of the Unified Government of Athens-Clarke County, Georgia.

SECTION 10. The Manager is further authorized to approve the application for grants and accept grants on behalf of ACCUG up to \$50,000 and to amend the Operating or Capital Budget for the grants as needed. This authority is permitted if the grant meets all of the following conditions: (1) matching funds are appropriated or the grant does not require matching funds; (2) ACCUG will not be required to otherwise commit resources or maintain any services after the end of the grant period; (3) no positions will be added with the grant; and (4) no vehicles will be added to the ACCUG Fleet Replacement Program as a result of acceptance of the grant.

The Manager is required to notify the Mayor and Commission of approval or acceptance of each grant at the next scheduled regular meeting under the provisions of Section 7-400 of the Charter of the Unified Government of Athens-Clarke County, Georgia. The Manager and appropriate staff are authorized to execute all required documents associated with grants accepted under this provision.

SECTION 11. The budget document, entitled "The Unified Government of Athens-Clarke County FY2008 Annual Operating and Capital Budget July 1, 2007–June 30, 2008" shall be maintained on file in the Office of the Clerk of Commission.

SECTION 12. The ad valorem tax rates for Athens-Clarke County are hereby levied for the year 2007 upon all real and personal property within the government not exempt from taxation under law as follows:

Total Property Tax Rate	18.70 mills
Less Sales Tax Credit ¹	(5.90) mills
Maintenance and Operations (General Fund)	12.80 mills

¹Credit Based on 2006 Sales
Tax Receipts of \$19,987,413 in
accordance with Georgia Law.

SECTION 13. Under authority of the Act creating the Athens Downtown Development Authority (Georgia Laws 1977 Session, 3533) there is hereby levied and assessed for the year 2007 on the real property in the downtown Athens area as defined in said Act a tax of one (1) mill upon the value of said real estate as fixed by the Tax Digest of Athens-Clarke County.

SECTION 14. Pursuant to Sections 4-101, 4-103, and 4-104 of the Charter of the Unified Government of Athens-Clarke County, the annual compensation of the charter officers, as provided for by ordinance and contract for FY08, shall be (\$138,980) for the Attorney, (\$148,101) for the Manager, and (\$78,346) for the Auditor.

SECTION 15. Pursuant to Official Code of Georgia Annotated 48-13-93(a) (2) the proceeds of the excise tax on the rental charge for motor vehicles, projected to be \$150,000 during FY08, shall be used for promoting industry, trade, commerce, and tourism. The proceeds from this tax in FY08 shall be used to support the annual debt service for the College Avenue Parking Deck, which is estimated to be \$354,100.

SECTION 16. The effective date of this ordinance shall be July 1, 2007.

SECTION 17. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

EXHIBIT A

GENERAL FUND

**SUMMARY FY08 ANNUAL OPERATING AND CAPITAL BUDGET
FOR THE YEAR ENDING JUNE 30, 2008
COMMISSION APPROVED**

	FY08 Operating Budget	FY08 Capital Current Services and Additions & Improvements Budget	FY08 Total Budget
REVENUES:			
PROPERTY TAXES	\$42,878,500	\$500,000	\$43,378,500
SALES TAX	\$21,500,000	-	\$21,500,000
OTHER TAXES	\$18,941,200	-	\$18,941,200
LICENSES & PERMITS INTERGOVERNMENTAL REVENUES	\$1,005,750	-	\$1,005,750
CHARGES FOR SERVICES	\$1,005,800	-	\$1,005,800
FINES & FORFEITURES	\$7,968,154	-	\$7,968,154
OTHER REVENUES	\$3,215,800	-	\$3,215,800
	<u>\$1,272,183</u>	-	<u>\$1,272,183</u>
TOTAL REVENUES	\$97,787,387	\$500,000	\$98,287,387
OTHER FINANCING SOURCES	\$1,606,900	-	\$1,606,900
PRIOR YEAR FUND BALANCE	<u>\$0</u>	<u>\$5,658,900</u>	<u>\$5,658,900</u>
TOTAL REVENUES & OTHER SOURCES	<u>\$99,394,287</u>	<u>\$6,158,900</u>	<u>\$105,553,187</u>
EXPENDITURES:			
GENERAL GOVERNMENT	\$16,239,452	\$0	\$16,239,452
JUDICIAL	\$19,362,945	\$0	\$19,362,945
PUBLIC SAFETY	\$34,953,793	\$0	\$34,953,793
PUBLIC WORKS	\$13,380,737	\$0	\$13,380,737
CULTURAL AND RECREATION	\$7,752,165	\$0	\$7,752,165
INDEPENDENT AGENCIES	\$4,449,774	\$0	\$4,449,774
DEBT SERVICE	<u>\$354,100</u>	<u>\$0</u>	<u>\$354,100</u>
TOTAL EXPENDITURES	\$96,492,966	\$0	\$96,492,966
OTHER FINANCING USES	<u>\$2,901,321</u>	<u>\$6,158,900</u>	<u>\$9,060,221</u>
TOTAL EXPENDITURES & OTHER USES	<u>\$99,394,287</u>	<u>\$6,158,900</u>	<u>\$105,553,187</u>

EXHIBIT A

ALL FUNDS

**SUMMARY FY08 ANNUAL OPERATING AND CAPITAL BUDGET
FOR THE YEAR ENDING JUNE 30, 2008
COMMISSION APPROVED**

	FY08 Operating Budget	FY08 Capital Current Services and Additions & Improvements Budget	FY08 Total Budget
REVENUES:			
PROPERTY TAXES	\$42,878,500	\$500,000	\$43,378,500
SALES TAX	\$21,500,000	-	\$21,500,000
OTHER TAXES	\$20,891,200	\$80,000	\$20,971,200
LICENSES & PERMITS	\$2,038,482	-	\$2,038,482
INTERGOVERNMENTAL REVENUES	\$5,201,504	-	\$5,201,504
CHARGES FOR SERVICES	\$73,474,542	\$5,486,240	\$78,960,782
FINES & FORFEITURES	\$3,733,800	-	\$3,733,800
OTHER REVENUES	<u>\$1,422,442</u>	<u>\$400,000</u>	<u>\$1,822,442</u>
TOTAL REVENUES	\$171,140,470	\$6,466,240	\$177,606,710
OTHER FINANCING SOURCES	\$10,897,121	48,477,800	\$59,374,921
PRIOR YEAR FUND BALANCE	\$452,583	\$6,271,900	\$6,724,483
WORKING CAPITAL BALANCE	<u>\$0</u>	<u>\$532,260</u>	<u>\$532,260</u>
TOTAL REVENUES & OTHER SOURCES	\$182,490,174	\$61,748,200	\$244,238,374
LESS INTERFUND TRANSFERS	<u>(\$31,130,921)</u>	<u>\$0</u>	<u>(\$31,130,921)</u>
TOTAL REVENUES	<u>\$151,359,253</u>	<u>\$61,748,200</u>	<u>\$213,107,453</u>
EXPENDITURES:			
GENERAL GOVERNMENT	\$43,309,674	\$1,005,000	\$44,314,674
JUDICIAL	\$20,444,526	\$361,900	\$20,806,426
PUBLIC SAFETY	\$36,098,371	\$702,000	\$36,800,371
PUBLIC WORKS	\$51,380,970	\$59,304,300	\$110,685,270
CULTURAL AND RECREATION	\$7,752,165	\$375,000	\$8,127,165
INDEPENDENT AGENCIES	\$6,186,174	\$0	\$6,186,174
DEBT SERVICE	<u>\$2,351,500</u>	<u>\$0</u>	<u>\$2,351,500</u>
TOTAL EXPENDITURES	\$167,523,380	\$61,748,200	\$229,271,580
OTHER FINANCING USES	<u>\$10,897,121</u>	<u>\$0</u>	<u>\$10,897,121</u>
TOTAL EXPENDITURES & OTHER USES	\$178,420,501	\$61,748,200	\$240,168,701
LESS INTERFUND TRANSFERS	<u>(\$31,130,921)</u>	<u>\$0</u>	<u>(\$31,130,921)</u>
TOTAL EXPENDITURES	\$147,289,580	\$61,748,200	\$209,037,780
DESIGNATED FOR FUTURE CAPITAL IMPROVEMENTS & DEBT SERVICE REQUIREMENTS	<u>\$4,069,673</u>	<u>\$0</u>	<u>\$4,069,673</u>
TOTAL EXPENDITURES & DESIGNATIONS	<u>\$151,359,253</u>	<u>\$61,748,200</u>	<u>\$213,107,453</u>

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO WATER RATES AND SEWER RATES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 5-3-77, entitled "Water Rates," paragraph (a) of the Code of Athens-Clarke County is hereby amended by deleting the following unit charge from said paragraph

"2.20"

and substituting the following in lieu thereof:

"2.32"

SECTION 2. Section 5-3-77, entitled "Water Rates," paragraph (b) of the Code of Athens-Clarke County is hereby amended by deleting the following unit charge from said paragraph

"1.90"

and substituting the following in lieu thereof:

"2.00"

SECTION 3. Section 5-3-77, entitled "Water Rates," paragraph (c) of the Code of Athens-Clarke County is hereby amended by deleting the following base charges from said paragraph

<i>"Meter Size</i>	<i>Base charge</i>
5/8 or 3/4	\$6.50
1	\$7.15
1 ½	\$8.75
2	\$23.74
3	\$31.14
4	\$40.65
6	\$90.78
8	\$118.08"

and substituting the following in lieu thereof:

<i>"Meter Size</i>	<i>Base charge</i>
5/8 or 3/4	\$6.84
1	\$7.52
1 ½	\$9.21
2	\$25.03
3	\$32.83
4	\$42.87
6	\$95.75
8	\$124.56"

SECTION 4. Section 5-3-80, entitled "Sewer Rates," paragraphs (a) and (b) of the Code of Athens-Clarke County are hereby amended by deleting the following base rate from said paragraphs

"6.15"

and substituting the following in lieu thereof:

"6.49"

SECTION 5. Section 5-3-80, entitled "Sewer Rates," paragraphs (a) and (b) of the Code of Athens-Clarke County are hereby further amended by deleting the following rate per 100 cubic feet from said paragraphs

"\$1.69"

and substituting the following in lieu thereof:

"\$1.85"

SECTION 6. The effective date of this ordinance is October 1, 2007.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN ORDINANCE TO AMEND THE FY2007 OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO APPROPRIATE GENERAL FUND BALANCE INTO THE GENERAL FUND OPERATING RESERVE ACCOUNT; 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 fiscal year 2007 General Fund operating and capital budget of Athens-Clarke County so as to appropriate fund balance into the reserve accounts Said budget is hereby amended as follows:

General Fund:

DECREASE:		
	Undesignated Fund Balance	\$858,000
INCREASE:		
	Operating Reserve	\$616,900
	Capital Reserve	\$241,100
	Total	<u>\$858,000</u>

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

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

RESOLUTION TO REVISE THE SCHEDULE OF FEES AND SERVICE CHARGES FOR THE PLANNING DEPARTMENT TO INCLUDE ZONING PERMIT FEES

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

Pursuant to Athens-Clarke County Code Section 9-4-16, the Athens-Clarke County Planning Department "Schedule of Fees and Service Charges," approved May 7, 2002, is hereby amended to add fees for Zoning Permits thereto as follows:

<u>Application Fees</u>	<i>Type of Service</i>	<i>Rate</i>
	"Zoning Permit	
	New Single-Family Residential Construction	\$50.00
	All Other Zoning Permits	\$10.00"

Mayor and Commission HELD:

- Stormwater utility educational credit.
- Donation of a statue of Ben Epps from the Georgia Aviation Hall of Fame.

New business – Consider under suspension of rules

A motion was made by Commissioner Sims, seconded by Commissioner Lynn, to suspend Rules of Commission for consideration of the item remaining on this agenda. The motion passed by unanimous vote.

A motion was made by Commissioner Lowry, seconded by Commissioner Sims, to approve the Nominating Committee report as follows. The motion passed by unanimous vote.

Airport Authority

Bob Wigglesworth
Four-year term expiring 06-30-11

Athens Downtown Development Authority	<p>Rusty Heery (Property owner) Reappointment two-year term expiring 07-31-09</p> <p>Tony Arnold (Business owner) Two-year term expiring 07-31-09</p>
Classic Center Authority	<p>Linda Ford Reappointment four-year term expiring 06-30-11</p> <p>Gwen O'Looney Four-year term expiring 06-30-11</p>
Development Authority of the Unified Government of Athens-Clarke County, Georgia	<p>Ivery Clifton Reappointment four-year term expiring 06-30-11</p> <p>Tal Duvall Reappointment four-year term expiring 06-30-11</p>
East Central Mental Health, Developmental Disabilities, Addictive Diseases Regional Board	<p>Pearl McLean Three-year term expiring 06-30-10</p> <p>Nora Witherspoon Partial term expiring 06-30-08</p>
Georgia Bioscience Joint Development Authority	<p>Tracy Stice Four-year term expiring 05-18-11</p>
Hearings Board	<p>Jim Anderson Partial term expiring 06-30-08</p> <p>John Devine Five-year term expiring 06-30-12</p> <p>Kim Miller Reappointment five-year term expiring 06-30-12</p>
Historic Preservation Commission	<p>Bryan Hardman Reappointment three-year term expiring 06-30-10</p> <p>Gina Peek Reappointment three-year term expiring 06-30-10</p>
Hospital Authority of Clarke County, Georgia	<p>Joseph H. "Jack" Lumpkin, Sr. Six-year term expiring 02-28-13</p> <p>Susan Barrett Six-year term expiring 02-28-13</p> <p>Rob Hoyt Six-year term expiring 02-28-13</p>
Northeast Georgia Regional Development Center	<p>Harold Horton Reappointment two-year term expiring 08-31-09</p> <p>Lamar Houston Reappointment two-year term expiring 08-31-09</p>
Planning Commission	<p>Dave Hudgens Five-year term expiring 06-30-12</p> <p>Steve Martin Partial term expiring 06-30-10</p>

Scott Weinberg
Reappointment five-year term expiring 06-30-12

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

A public hearing was held on proposed text and map amendments regarding C-D zone design standards, and adoption of a revised zoning map to include all zoning amendments approved since the last update certified on December 8, 2006.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Lynn, seconded by Commissioner Maxwell, to adopt the following ordinance (#07-06-032) which was presented by title only. The motion passed by roll call vote with Commissioners Lowry, Sims, Maxwell, Kinman, Lynn, Hoard, Herod, Girtz, and Dodson voting YES; and Commissioner Jordan voting NO. (9 YES; 1 NO). Commissioner Lynn requested the Mayor consider appointment of a transition committee in connection with implementation of this ordinance.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ZONING – ADOPTION OF REVISED OFFICIAL ZONING MAP; DESIGN AREAS IN THE COMMERCIAL DOWNTOWN (C-D) DISTRICT; AND FOR OTHER PURPOSES.

THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Legislative Purpose and Findings. Pursuant to the provisions of Section 9-3-7, entitled "Replacement of Official Zoning Map," of the Code of Athens-Clarke County, the Mayor and Commission find that the Official Zoning Map, adopted December 6, 2006 and certified December 8, 2006, pursuant to the provisions of Sections 9-3-7 and 9-3-3 of the Code of Athens-Clarke County, has become difficult to interpret because of the number of changes and additions to said Official Zoning Map since its adoption on December 6, 2006. In addition, the GIS parcel layer data on said map needs to be updated; the C-D zoning district design areas need to be added to the zoning map; and the legend of the said map needs to be amended. Therefore, the Mayor and Commission find it necessary to adopt a new Official Zoning map, which shall supersede said prior official zoning map, and shall be considered an integral part of Title 9 of the Code of Athens-Clarke County.

SECTION 2. Section 9-3-3, entitled "Official Zoning Map," of the Code of Athens-Clarke County, Paragraph A, Subparagraph 1 is hereby amended by deleting said paragraph in its entirety and substituting the following in lieu thereof:

"1. The location and boundaries of the districts designated in section 9-3-2 and the design areas for the C-D district designated in section 9-10-6 are established as shown on the map entitled the "Official Zoning Map of Athens-Clarke County" (hereafter referred to as the "zoning map"), dated as of the adoption date of this ordinance, and signed by the Athens-Clarke County Mayor and Clerk of Commission, with the following certification: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Athens-Clarke County, Georgia. Pursuant to section 9-3-7 of such ordinance, this map supersedes the Official Zoning Map certified December 8, 2006." Said map is made a part of this title by reference and incorporation as if fully set forth herein."

SECTION 3. The signed original of the zoning map adopted in Section 2 above shall be maintained on file and available for public inspection in the Office of the Clerk of the Athens-Clarke County Commission, Room 204, City Hall, 301 College Avenue, Athens, Georgia.

SECTION 4. Section 9-10-4, entitled "Downtown district – Parking," is hereby amended by deleting the title of said section in its entirety and substituting the following in lieu thereof:

"Sec. 9-10-4. Downtown district - Required parking."

SECTION 5. Chapter 9-10, entitled "Commercial "C" Districts," of the Code of Athens-Clarke County is hereby amended by adding a new section 9-10-6, entitled "Design Standards for the 'C-D' Zone thereto as follows:

"Sec. 9-10-6. Design Standards for "C-D" zone.

A. *Design areas.* For the purpose of this title, the C-D zone is divided into design areas described in the

"Alternative Compliance Guidelines for the CD Zone – Athens-Clarke County, Georgia," (hereinafter "Alternative Compliance Guidelines"), dated June 5, 2007, adopted herein by reference, and available for public inspection in the offices of the Athens-Clarke County Planning Department and the Clerk of Commission.

Downtown Historic District
West Downtown
East Downtown
Dougherty Street
River
West End

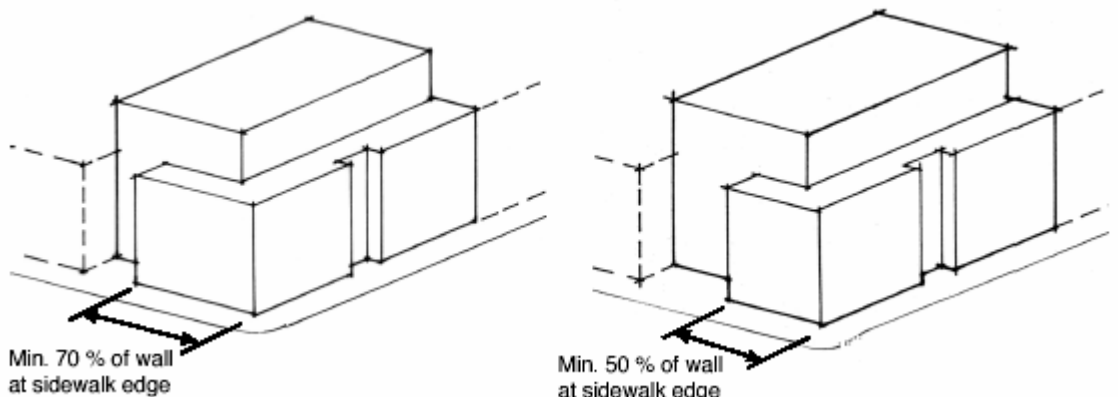
B. *Design area boundaries.* The location and boundaries of the design areas in the Commercial-Downtown (C-D) zoning district listed in paragraph (1) above are delineated on the Official Zoning Map of Athens-Clarke County, Georgia. The Official Zoning Map of Athens-Clarke County, Georgia, constituting 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 adding the boundaries of said design areas within the C-D zoning district to the Zoning Map, adopted contemporaneously herewith. When uncertainty exists with respect to the location of the boundaries of any design area in the C-D zone, the rules of section 9-3-4, concerning zoning district boundary lines, shall apply in determining design area boundary lines. The boundary limits of individual design areas shall be completely contained within the C-D zone. In the event that a parcel is rezoned to the C-D designation, the Mayor and Commission contemporaneously with such rezoning shall assign a design area to such parcel. Such determination shall be based upon the parcel's proximity to an existing design area and characteristics of the existing design area that are similar to those of the rezoned parcel.

C. *Site Design Standards.*

1. Maximum building setbacks. The maximum building setback from a property line adjacent to all street rights-of-way (not including alleys) shall be as follows:

Design Area	Maximum Setback	Minimum Wall Percentage ¹
Downtown Historic District	0 feet	70%
West Downtown	0 feet	50%
East Downtown	0 feet	50%
Dougherty Street	Not required	Not required
River	Not required	Not required
West End	30 feet	50%

¹The minimum percentage of the front wall plane between the street right-of-way and the maximum building setback line. The maximum length of a wall, set at an angle not exceeding 45 degrees to the street right-of-way and set back further than the maximum front setback line, shall not exceed 50 feet.



2. *Parking structures.* Any structured parking shall have leasable and occupiable commercial or residential uses between the property line and parking at street level. These other uses shall extend a minimum of 70% of the linear street frontage of the structure.

3. Surface parking lots.

a. Accessory surface parking areas shall not be located in the front yard or the side yard adjacent to a street (not including alleys).

b. A surface parking lot as a principal property use shall comply with the following setback requirements:

Design Area	Min. Street Setback
Historic District	Not Permitted
West Downtown	10 feet
East Downtown	10 feet
Dougherty Street	10 feet
River	10 feet
West End	10 feet

c. A landscape buffer shall have a minimum depth of 10 feet between a street right-of-way (not including alleys) and the parking area. The landscape buffer shall incorporate a sight-obscuring hedge screen, which shall grow to be at least 24 inches and no more than 42 inches higher than the finished grade of the parking area, except for required vision clearance areas. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. Adequate provisions shall be made to protect plant materials from being damaged by vehicles using the parking area.

d. Surface parking areas shall be shaded by trees in accordance with section 8-7-15(J).

e. Raised pedestrian walkways shall be installed through surface parking areas of 50 or more spaces or more than 100 feet in average width or depth.

f. Surface parking lots with 50 spaces or more shall be divided into separate areas divided by landscaped areas or walkways at least ten feet in width or by a group of buildings.

4. Public sidewalks shall be provided adjacent to a public street along the street frontage.

5. Trash storage areas, mechanical equipment, and similar areas shall be screened from view from adjacent public rights-of-way.

6. Outdoor storage areas and loading facilities shall be screened from view from adjacent public rights-of-way.

7. Transit amenities, bus shelters, and pullouts shall be required in accordance with the Athens-Clarke County Transit Service.

D. Building Design Standards.

1. Horizontal definition of the building façade. First and second floor levels of a wall of a building that faces a public street shall be horizontally defined with clearly distinguishable horizontal details, which shall extend for a minimum of 70% of the wall length. A horizontal element shall define the first floor and the second floor. The required horizontal articulation may be achieved by using one of the following methods:

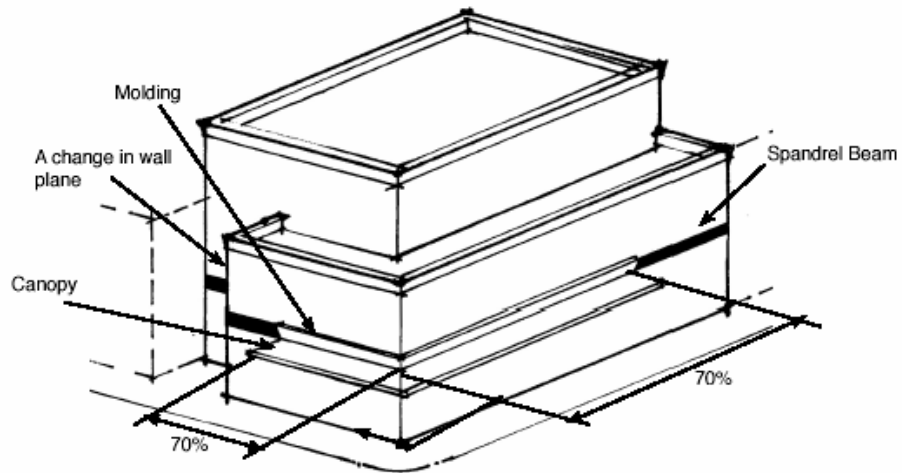
a. A molding, ornamental trim, window casing or sill that projects a minimum of three inches from the primary wall surface, and/or

b. A setback in the primary wall plane at the second and/or third floor level, a minimum of five feet from the floor below, and/or

c. A permanently affixed canopy, extending a minimum of four (4) feet from the building face, and/or

d. A horizontal fascia that defines floor structure between the first and second floors, and/or

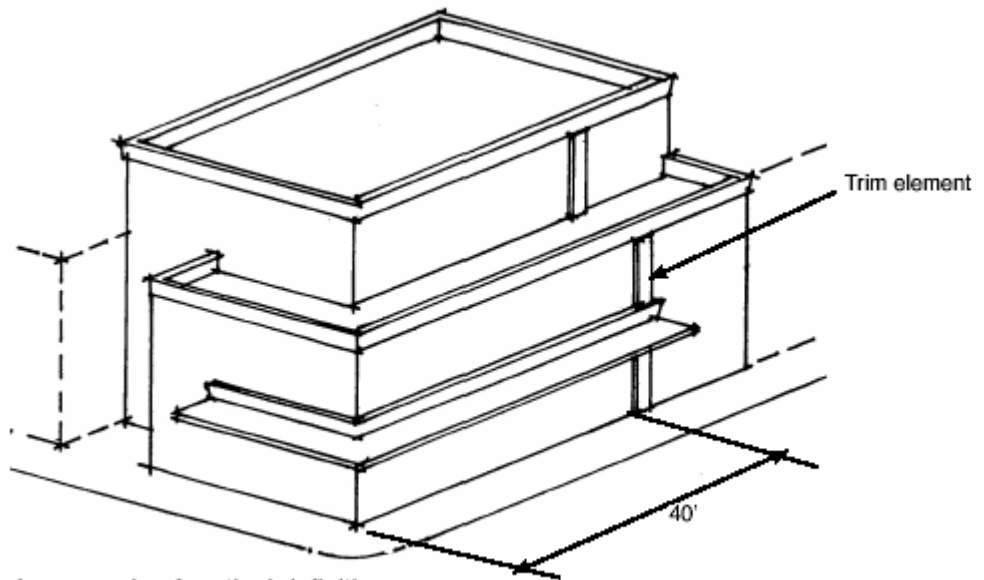
e. An eave of a porch, portico, or other similar element, which extends a minimum of 18 inches from the building face.



Examples of horizontal definition achieved through use of moldings, changes in wall plane, canopies and a spandrel beam. The moldings and canopies shown would each independently meet the requirement for horizontal articulation extending 70% of the wall length.

2. Vertical definition of building modules. Vertical definition shall be provided at a minimum of every 40 feet of façade length, using one or more of the following methods:

- a. A molding, ornamental trim, or window casing projecting a minimum of three inches from the primary wall surface and is a minimum of three inches wide, and/or
- b. A setback in the primary wall plane a minimum of three feet from the building face and for a minimum width of three feet.



An example of vertical definition

3. Primary entrance. The primary public entrance of a building shall face a street and be directly linked to a public sidewalk. It shall be positioned no more than five feet above the finished grade at the front of the building.

- a. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to entrances.
- b. Buildings shall incorporate arcades, roofs, alcoves, porticoes and/or awnings at public entrances that protect pedestrians from the rain and sun.

4. Transparency. A minimum percentage of any wall facing a public street shall be transparent glass and shall be provided as follows:

Design Area	Street Level min. %	Upper Levels min. %
Downtown Historic District	60%	20%
West Downtown	50%	20%
East Downtown	50%	20%
Dougherty Street	30%	20%
River	30%	20%
West End	30%	20%

a. Transparency at the street level shall be measured from the finished grade at the street to 10 feet above grade for the entire width of the wall.

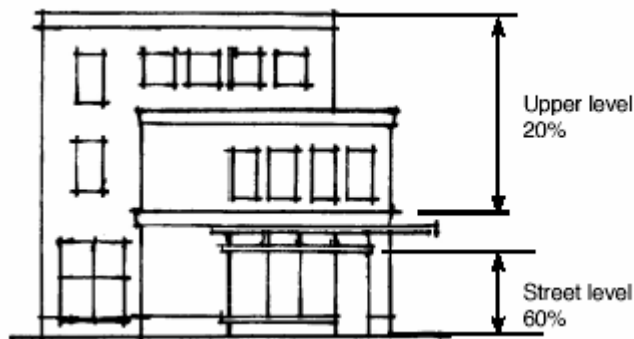
b. The following alternative design treatments may be used, singularly or in combination, to meet half of the transparency requirement at the street level:

(1) A display case, defined as a box with transparent glass facing the street with a solid panel behind for display of products and images of goods and services offered in the area.

(2) Wall art, including murals, sculptural and other decorative treatment of exterior walls.

(3) Landscaping, which is to be at least three feet high at the time of planting and of a type that will produce an opaque, evergreen planting screen capable of growing to a height of at least six feet within three years.

c. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas.



5. Building materials. No more than 25% of a wall surface, singularly or in combination, may be of plaster, stucco, or metal sheet siding. Metal siding shall be prohibited on the first floor. Plain concrete block (CMU), synthetic stucco (e.g., EFIS), mirror glass, and tinted glass with a tint of 20% gray or greater are prohibited exterior building materials.

6. All properties in the "C-D" zone shall have a minimum floor area (FAR) ratio of 0.40. Expansions of existing development for which at least 50% of the original structure is retained are exempt from the minimum FAR. Plazas and pedestrian areas, conforming to the standards of section 9-25-8-F.2, shall count as floor area for the purpose of meeting the minimum FAR. Reductions of the lot area calculation shall be allowed for flood plain, bodies of open water, wetlands, riparian buffers, slopes greater than 25 percent, buffers required by section 9-15-3, and public utility easements, if these areas remain vegetative or landscaped.

E. Alternative Compliance. Except for properties within the Downtown Historic District, applicants may request alternatives to compliance with the design standards of this section through a design review process guided by the separate Alternative Compliance Guidelines for the C-D Zone. Applications for alternative compliance will be processed through the Type III procedure described in Chapter 9-4 (Procedures). The Planning Commission shall review alternative compliance applications in light of any comments received from the public, the intent of the standards of this section, and the applicable design guidelines. An alternative compliance application may be approved upon a finding by the Planning Commission that:

1. The request would result in public benefits greater than any negative impacts; and
2. The request is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan of Athens-Clarke County; and
3. The request is consistent with the attributes of the Downtown and of the Design Area described in the Alternative Compliance Guidelines; and

4. The request conforms to the relevant Alternative Compliance Guidelines.

SECTION 6. Section 9-15-3, entitled "Buffer Requirements," of the Code of Athens-Clarke County, Paragraph B is hereby amended by deleting Paragraph B in its entirety and substituting the following in lieu thereof:

"B. *Front yard buffers.* Except in the C-D zone, all nonresidential and multifamily uses adjacent to a local street and/or adjacent to or directly across from a single-family or two-family residence or district, and parking for two-family and single-family attached, must abide by the following front yard buffer requirements:"

SECTION 7. Section 9-25-8, entitled "Site Design Standards," of the Code of Athens-Clarke County, Paragraphs D and E are hereby amended by deleting Paragraphs D and E in their entirety and substituting the following in lieu thereof:

"D. Non-residential design standards for "E" zones, the "I" zone, the "IN" zone, and "C" zones (other than C-D) not on corridor types on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8-J."

E. Non-residential design standards for "C" (other than C-D), "IN" or "E" zones located on Level One or Level Two corridor types based on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8-J, and any non-residential use other than agricultural buildings in any "AR", "RS", or "RM" zone."

SECTION 8. Section 9-25-8, entitled "Site Design Standards," of the Code of Athens-Clarke County, Paragraph E, subparagraph (1), subpart d is hereby amended by deleting subpart d in its entirety and substituting the following in lieu thereof:

"d. If located on a Level One corridor type, developments of properties in "C-G" or "C-N" zones shall have a minimum floor area ratio of 0.40. If located on a Level Two corridor type, developments of properties in "C-G" or "C-N" zones shall have a minimum floor area of 0.25. Expansions of existing development for which at least 50% of the original structure is retained are exempt from these FAR minimums. Plazas and pedestrian areas, conforming to the standards of section 9-25-8-F.2, shall count as floor area for the purpose of meeting the minimum FAR. Reductions of the lot area calculation shall be allowed for flood plain, bodies of open water, wetlands, riparian buffers, slopes greater than 25 percent, buffers required by section 9-15-3, and public utility easements, if these areas remain vegetative or landscaped. For properties with frontage on more than one designated corridor, the higher floor area ratio shall apply."

SECTION 9. Section 9-25-8, entitled "Site Design Standards," of the Code of Athens-Clarke County, Paragraph G, subparagraph (1), subpart c is hereby amended by deleting subpart c in its entirety and substituting the following in lieu thereof:

"c. The screen height may be achieved by a combination of earth mounding and plant materials."

SECTION 10. Section 9-25-8, entitled "Site Design Standards," of the Code of Athens-Clarke County, Paragraph G, subparagraph 2 is hereby amended by deleting subparagraph 2 in its entirety and substituting the following in lieu thereof:

"2. Screening Parking abutting property lines. Except in the C-D zone, a ten-foot-deep buffer shall be required when parking abuts a property line. Where a buffer between zones is required, the screening shall be incorporated into the required buffer strip, and will not be an additional requirement."

SECTION 11. Section 9-25-8, entitled "Site Design Standards," of the Code of Athens-Clarke County, Paragraph K is hereby amended by adding a new Paragraph K thereto as follows:

K. C-D zone standards. In addition to the requirements of this chapter, all development in the C-D zone shall comply with the regulations and design standards of Chapter 9-10 "Commercial (C) Districts".

SECTION 12. Section 9-30-9, entitled "Design Requirements," of the Code of Athens-Clarke County, Paragraph E, subparagraph (6), subpart b is hereby amended by deleting subpart b in its entirety and substituting the following in lieu thereof:

"b. In all zones, except single-family zones and the C-D zone, where parking facilities or driveways are located adjacent to residential or agricultural zones, school yards, or like institutions, a sight-obscuring fence, wall, or evergreen hedge not less than five feet, nor more than six feet high shall be provided on the property line as measured from the high

grade side. Said wall, fence or hedge shall be reduced to 30 inches within required setback areas, or within ten feet of street property lines, and shall be maintained in good condition. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. Adequate provisions shall be made to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.”

SECTION 13. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance is declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance since the same would have been enacted by the mayor and commission without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A public hearing was held on request of Ingrid Brown, George Boston, and Karin Boston for rezoning from RS-15 (Single-family Residential) to RS-25 (Single-family residential) on 7.1 acres known as 670 Cleveland Road. Proposed use is single-family residence. (Type II)

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Jordan, seconded by Commissioner Dodson, to approve request of Ingrid Brown, George Boston, and Karin Boston for rezoning from RS-15 (Single-family Residential) to RS-25 (Single-family residential) on 7.1 acres known as 670 Cleveland Road with the request that the Planning staff evaluate the land use plan and RS-15 zoning for the Cleveland Road area.

Mayor Davison ruled this motion out of order.

A motion was made by Commissioner Jordan, seconded by Commissioner Dodson, to approve request of Ingrid Brown, George Boston, and Karin Boston for rezoning from RS-15 (Single-family Residential) to RS-25 (Single-family residential) on 7.1 acres known as 670 Cleveland Road and to adopt the following ordinance (#07-06-033) which was presented by title only. The motion passed by unanimous vote.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING FROM RS-15 (SINGLE-FAMILY RESIDENTIAL) TO RS-25 (SINGLE-FAMILY RESIDENTIAL) ON APPROXIMATELY 7.1 ACRES OF LAND LOCATED AT 670 CLEVELAND ROAD; 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 on approximately 7.1 acres of land located at 670 Cleveland Road, Athens, Georgia from RS-15 (Single-Family Residential) to RS-25 (Single-Family Residential), as shown on Attachment A hereto. Said affected tract of land is more fully described as follows:

All the tracts or parcels of land, situate, lying and being in the 216th G.M.D., Athens-Clarke County, Georgia, as shown as Tract 1 on that survey entitled “Survey for Ingrid J. Brown,” dated October 14, 1999, prepared by Ben McLeroy, Registered Land Surveyor, and filed for record in the records of the Clerk of Superior Court of Athens-Clarke County at Plat Book 35, page 218.

Said property is also known as tax parcel number 7-1-004D on the Athens-Clarke County Tax Maps being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the Clerk of Commission’s Office at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

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

A public hearing was held on request of Athens-Clarke County for rezoning from C-N (PD) (Commercial-Neighborhood Planned Development) to C-N (Commercial-Neighborhood) on 4.97 acres known as 2295 Barnett Shoals Road. (Type II)

Planning Commission recommendation: Approve rezoning to C-O (Commercial-Office)
7-1 (Sapp voted no)

Citizen input

There was no citizen input.

A motion was made by Commissioner Herod, seconded by Commissioner Dodson, to DENY recommendation of the Planning Commission for rezoning to C-O (Commercial-Office). The motion passed by unanimous vote.

A public hearing was held on proposed text amendment to Section 9-10-2 regarding multifamily dwellings in "C" zones.

Planning Commission recommendation: Approve (unanimous)

Citizen input

There was no citizen input.

A motion was made by Commissioner Jordan, seconded by Commissioner Herod, to approve text amendment as recommended by the Planning Commission with revision to read as follows:

L(1) = Permitted only on second story and above or in the basement level of the structure. Multifamily residential, parking or self-storage uses on the ground floor are permitted only as a special use.

A substitute motion was made by Commissioner Lynn, seconded by Commissioner Hoard, to approve text amendment as recommended by the Planning Commission with revision to read as follows:

L(1) = Permitted only on second story and above or in the basement level of the structure. At least 50% of the ground floor shall be leasable commercial space not used for parking or self-service storage. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit.

The substitute motion passed by roll call vote with Commissioners Lowry, Sims, Maxwell, Kinman, Lynn, Hoard, Herod, Girtz, and Dodson voting YES; and Commissioner Jordan voting NO. (9 YES; 1 NO). The following ordinance (#07-06-034) which was presented by title only was declared adopted.

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ZONING – PERMITTED USES - MULTIFAMILY DWELLINGS IN THE COMMERCIAL (C) ZONES; AND FOR OTHER PURPOSES.

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

SECTION 1. Section 9-10-2, entitled "Permitted Uses," of the Code of Athens-Clarke County is hereby amended by deleting the row entitled "Multifamily Dwellings," under the columns entitled "Commercial Zoning Districts – Residential Categories – C-G, C-D, C-O, C-N and C-R" in its entirety and by deleting the L(1) restriction in the Legend and substituting the following in lieu thereof:

Sec. 9-10-2. Permitted Uses.

<i>Commercial Zoning Districts</i>	<i>C-G General</i>	<i>C-D Downtown</i>	<i>C-O Office</i>	<i>C-N Neighborhood</i>	<i>C-R Rural</i>
<i>Residential Categories</i>					
Multifamily Dwellings	P, L (1)	P, L (1)	P, L (1)	P, L (1)	P, L (1)

L (1) = Permitted only on second story and above or in the basement level of the structure. At least 50% of the ground floor shall be leasable commercial space not used for parking or self-service storage. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit.

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

Citizen comments on any items other than those listed on this agenda.

1. Doc Eldridge, 530 West Cloverhurst Avenue, President/CEO of the Athens Area Chamber of Commerce – wants to work in cooperation with ACC government.
2. Danny Davenport, 125 Mineral Springs Drive – Leisure Services should listen to citizen advisory groups.
3. Keith Johnson, 5000 Smokey Road - do the right thing.
4. Steve Dashiell, 957 MLK Parkway – stated ACC needs to conduct inventory of wildlife and wetlands.

FROM MAYOR DAVISON:

1. Proclamations will be issued to the following in recognition of their participation in the Adopt Athens Program.
 - Athens Area Chapter of the Fort Valley State University Alumni Association
 - Athens Area Pagans
 - Classic City High School
 - The Reese Family
 - Keep Athens-Clarke County Beautiful Board of Directors
2. Announced the following reappointments to the Housing Authority of the City of Athens.
 - James Smith (UGA law school) five-year term expiring 05-31-2012
 - Sarah Barnett (resident member) one year term expiring 05-31-2008
3. Reminded everyone ACC is currently under a drought Level II watering ban and all rules must be followed.
4. Reminded everyone comments on the MACORTS Transportation Improvement Plan will be taken through July 1.
5. Expressed appreciation to the 2,234 volunteers who donated 43,255.4 hours to the Leisure Services Department. This amounted to \$811,902 (based on \$18.77/hour) value to the community.
6. Thanked the members of the Local Redevelopment Authority, particularly Chairman Buddy Allen, and the citizen groups that worked toward reuse of the U. S. Navy Supply Corps School property.
7. Notified public that if they are contacted by someone they believe to be a scam artist they should not fall prey but immediately report the incident to the ACC Police Department.
8. Assigned Corridor Management Study to Government Operations Committee; and a review of the animal control ordinance with reference to tethering to the Legislative Review Committee.

9. Presented Commissioner Lowry with a bagfull of petroleum-based waste products which cannot be recycled with the request that he discuss this concern at an upcoming RDC meeting.

FROM MANAGER REDDISH:

The following status report of standard utility contracts for May 2007 was presented for information only.

I. OPTIONAL PROCEDURE CONTRACTS (For Information Only)

The following are developments where the developers have elected to contract with the Unified Government under optional procedures for the installation of water and/or sanitary sewer line extensions.

A. Projects Initiated:

Name: 155 Dennis Drive, water and sewer
Developer: Matthew Hicks
Contractor: To be determined
Administrative Fees: \$3,235.00
Date Initiated: May 25, 2007

Name: UGA Mell & Lipscomb Halls, water
Developer: The University of Georgia
Contractor: Advantage Fire, Inc.
Administrative Fees: \$12,475.00
Date Initiated: May 16, 2007

Name: UGA Library, water
Developer: The University of Georgia
Contractor: Advantage Fire, Inc.
Administrative Fees: \$3,630.00
Date Initiated: May 24, 2007

Name: Friendship Christian Church, sewer
Developer: SPICA, Inc.
Contractor: To be determined
Administrative Fees: \$286.50
Date Initiated: May 24, 2007

Name: ISO Fire Hydrant Purchase, water
Developer: Angel Oaks Enterprises, Inc.
Contractor: To be determined
Administrative Fees: \$2,000.00
Date Initiated: May 10, 2007

Name: Merial R&D Expansion Lab, water and sewer
Developer: Merial Limited, LLC
Contractor: To be determined
Administrative Fees: \$383.00
Date Initiated: May 4, 2007

Name: Athens First Bank and Trust, water and sewer
Developer: AFB&T, Inc.
Contractor: McLeroy Plumbing, Inc.
Administrative Fees: \$8,822.80
Date Initiated: May 14, 2007

Name: UGA Caldwell Hall, water
Developer: The University of Georgia
Contractor: Advantage Fire, Inc.
Administrative Fees: \$3,550.00
Date Initiated: May 7, 2007

Name: 195 Michel Drive Railroad Permit, sewer
Developer: Environmental Resources Technology
Contractor: To be determined
Administrative Fees: \$750.00
Date Initiated: May 7, 2007

Name: Volkswagen at Georgia Square Auto, water and sewer
Developer: Star Auto Company, Inc.
Contractor: To be determined
Administrative Fees: \$3,676.00
Date Initiated: May 4, 2007

Name: New Jimmie Daniel Road, sewer
Developer: Webber Development Consultants
Contractor: To be determined
Administrative Fees: \$250.00
Date Initiated: May 4, 2007

Name: UGA Library, water
Developer: The University of Georgia
Contractor: Advantage Fire, Inc.
Administrative Fees: \$3,630.00
Date Initiated: May 16, 2007

Name: Terrapin Beer Company
Developer: Terrapin Beer, LLC
Contractor: To be determined
Administrative Fees: \$250.00
Date Initiated: May 17, 2007

B. Projects Completed:

Name: Oak Grove Phase 11-A, Block R & W, sewer
Developer: Oak Grove Realty Partners, LLC
Acceptance Date: May 7, 2007

Name: McMichael Subdivision, Hodgson Drive, Lots 3 & 4, sewer
Developer: Emmitt Powers
Acceptance Date: May 21, 2007

II. STANDARD GOVERNMENTAL CONTRACTS (For Information Only)

A. Projects Initiated: None

B. Projects Completed: None

III. CONSTRUCTION FUND PROJECTS (For information only)

A. Projects Initiated: None

B. Projects Completed: None

FROM COMMISSIONER GIRTZ:

1. Encouraged public to consider rejection of plastic bags from grocery and retail stores; and encouraged water conservation.
2. Reminded everyone of the special election Tuesday, June 19 to fill a vacancy in the 10th Congressional District.

FROM COMMISSIONER LOWRY:

1. Thanked citizens who took time to apply and/or interview with the Mayor and Commission for positions on various boards, authorities, and commissions.
2. Reminded everyone of the seriousness of the current drought and the need to adhere to watering regulations.
3. Expressed appreciation on behalf of Bar H Estates resident Bob Clements to Public Works employees Kelvin Wheless, Carey Lamey, Noah Westmoreland, Elijah Sims, and Wayne Pledger for an excellent job of ditch maintenance.

FROM COMMISSIONER HEROD:

1. Reminded everyone there is a \$200 fine for violation of the current water restrictions.
2. Expressed appreciation to Chief of Police Jack Lumpkin and his officers for assistance with a recent problem in Cedar Creek.

FROM COMMISSIONER HOARD:

1. Requested a review of the noise ordinance to evaluate construction noise in residential neighborhoods. Mayor Davison will consider assigning this to the Legislative Review Committee. (Commissioner Herod supported this request.)

FROM COMMISSIONER DODSON:

1. Expressed appreciation to elected officials, Mayor and staff for their support and patience during the FY08 budget process.
2. Stated he is excited about Doc Eldridge's selection as Chamber of Commerce President and looks forward to chamber support of goals of the Entrepreneurial Friendly Designation Committee and One Athens program.

FROM COMMISSIONER JORDAN:

1. Requested the Planning staff evaluate the land use plan and RS-15 zoning for the Cleveland Road area.

FROM COMMISSIONER LYNN:

1. Expressed appreciation to the Chamber of Commerce for selecting Doc Eldridge as the new President/CEO, and stated his trustworthiness will be an asset for the community.
2. Requested the Planning Commission continue to review ground floor parking in commercial areas.
3. Requested an update on development of an infill-housing ordinance.
4. Stated the Audit Committee will meet Wednesday, June 6, and asked for suggestions for the Auditor's FY08 work plan.

FROM COMMISSIONER KINMAN

1. Requested an update on development of an infill-housing ordinance.
2. Congratulated Doc Eldridge on his appointment as President/CEO of the Chamber of Commerce.
2. Expressed appreciation to an amazing group of applicants who recently applied for various boards, authorities, and commissions.

FROM COMMISSIONER MAXWELL:

1. Requested management review the time during which repairs are made to streetlights. He was awakened by a recent 3:00 a.m. service call.
2. Stated Leisure Services staff is ignoring comments/suggestions of citizen user groups.
3. Wished wife Betty a happy birthday.

The meeting adjourned at 10:50 p.m.